

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIFE AFTER HATE, INC.,
a/k/a EXITUSA,
Plaintiff,
v.
FREE RADICALS PROJECT INC. and
CHRISTIAN PICCIOLINI,
Defendants. } Docket No. 18 C 06967
Chicago, Illinois
February 26, 2019
10:09 a.m.

VOLUME 3
TRANSCRIPT OF PROCEEDINGS - PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE VIRGINIA M. KENDALL

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(Proceedings heard in open court:)

THE CLERK: 18 C 6967, Life After Hate versus Free Radicals.

MS. SAPER: Good morning, your Honor. Daliah Saper on behalf of plaintiff.

THE COURT: Good morning.

MS. SAPER: We left off with Mr. McAleer's testimony.

THE COURT: Okay. So let's bring Mr. McAleer up again.

Thank you, sir.
(Approaching.)

(Witness duly sworn and takes the stand.)
THE COURT: Okay. Have a seat.

MS. SAPER: And a couple housekeeping matters, your Honor.

THE COURT: Sure.
MS. SAPER: I teach a class at Loyola at 11:00, but I've instructed them to come to the hearing instead.

THE COURT: That's smart. Let them watch a little bit, right?

11:00. THE COURT: So here's the thing. If we finish up you

1 can use the courtroom because I don't have something else until
 2 12:30.

3 MS. SAPER: Perfect.

4 THE COURT: So you could teach here, if that is
 5 helpful to you.

6 MS. SAPER: Thank you, your Honor. And that's great,
 7 because Mr. McAleer has to get on a flight at noon, if at all
 8 possible.

9 THE COURT: Oh, yes, there you go. Let's see.

10 THE WITNESS: I have to leave at noon to get on the
 11 flight.

12 THE COURT: To get on the flight.

13 Well, if you're like my husband who went to O'Hare for
 14 the entire day to get on the flight that was at noon, he came
 15 home at 9:30, to home, because it never took off.

16 THE WITNESS: I'm going out of Midway.

17 THE COURT: There you go. You're smarter.

18 THE WITNESS: I had to take yesterday's flight out of
 19 O'Hare, but I had to cancel that and moved it out of Midway.

20 THE COURT: Let's pick up where you left off.

21 DIRECT EXAMINATION (Resumed)

22 BY MS. SAPER:

23 Q I believe we were discussing instances of confusion as a
 24 result of Mr. Picciolini's actions after he was terminated from
 25 Life After Hate, the non-profit; is that correct?

1 escape room national brand.

2 Q So, actually, I guess it's -- my question was are you aware
 3 of Exit services having a generic meaning or certain meaning
 4 for the type of work that you do?

5 A No.

6 Q You testified earlier that you worked with an advertising
 7 agency called Gravity Tank to help create your marketing
 8 collateral; is that correct?

9 A That's correct.

10 Q And what types of collateral did Gravity Tank create for
 11 you?

12 A They created logos, postcards, banners. We did some
 13 letterhead for both Life After Hate and ExitUSA. And then we
 14 also worked on some slogans and copy and things like that.

15 MS. SAPER: Your Honor, I just want to take a break
 16 and make sure we're hooked up.

17 THE COURT: You're not.

18 MR. MONACO: HDMI.

19 THE COURT: Sorry.

20 There you go.

21 MR. MONACO: Thank you.

22 BY MS. SAPER:

23 Q This is what was previously admitted into evidence, Exhibit
 24 Number 25.

25 Tony, does this look like the collateral that you

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1 A Yes.

2 Q And just -- just for -- to put some context around what
 3 we're talking about, can you remind me how the ExitUSA brand
 4 came about?

5 A So Life After Hate was already providing rudimentary
 6 deradicalization, disengagement services. And when I went to
 7 the conference -- I went to two conferences in Stockholm and
 8 London in February of 2014 and met with Exit Sweden and at the
 9 conference met with Exit Germany and a couple other
 10 organizations. It became clear that I kept having to explain
 11 what Life After Hate was. Nobody recognized it. But when I
 12 saw colleagues in different countries using the word "Exit,"
 13 and getting instant recognition, I felt that it would be
 14 important and beneficial for Life After Hate to adopt that
 15 brand so we would be instantly recognized to our colleagues
 16 over there.

17 So I came back to the states, and we decided to use
 18 that brand to talk about the services that we were already
 19 providing and the services we were going to provide.

20 Q Are you aware of the term "Exit" services being used for
 21 any specific industry?

22 A Yeah. I mean, when I've done Google searches and stuff
 23 like that, there's end-of-life counseling, there's leaving the
 24 United States counseling, there's how to renounce your
 25 citizenship counseling, and I know in Canada Exit Canada is an

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1 received and developed with Gravity Tank?

2 A Yeah, and some of this we didn't use, but it --

3 Q Next page.

4 And was Christian the only individual working on this
 5 collateral?

6 A No.

7 Q Who else was working on it?

8 A Angela King and I were extensively involved in choosing
 9 different looks and logos and that type of thing and having our
 10 input.

11 Q And how did you ultimately use all of this information and
 12 this marketing material?

13 A Well, when Christian obtained the domain for Life After
 14 Hate --

15 Q Which -- for Life After Hate or for ExitUSA.org?

16 A The ExitUSA domain for Life After Hate.

17 We set up a landing page, you know, contact us page,
 18 where people, if they went to ExitUSA.org, could put in their
 19 contact details and send us a message.

20 Q Okay. We don't have a copy -- there's no longer a live
 21 copy of the ExitUSA.org domain and website as it existed before
 22 Christian left; is that correct?

23 That was a long question.

24 A Not to my knowledge.

25 Q And why is that? Why don't you have ExitUSA.org's website

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1 from that time?

2 A I'm not sure whether it was Christian had control of that
 3 website or -- you know, because what happened when it got
 4 redirected, we had to recreate our Exit --
 5 LifeAfterHate.org/ExitUSA so it wasn't pointing to Christian
 6 anymore.

7 Q But before it pointed to Christian's page, did you use the
 8 collateral on the ExitUSA.org website?

9 A Absolutely, absolutely.

10 Q Okay. I'm putting up here a picture of the -- not a
 11 picture, a snapshot of what ExitUSA.org appeared -- looked like
 12 as of August 12, 2017. I procured this from going to
 13 web.archive.org or Wayback Machine. These are website tools
 14 that allow you to view what a website looked like at that time.

15 Is this an accurate depiction of what your Exit --
 16 what Life After Hate, Inc.'s ExitUSA.org domain looked like as
 17 of August of -- 12, 2017?

18 MR. KUO: Objection. Hearsay.

19 THE COURT: Okay. It is. You can't testify as to the
 20 source. You have to ask the witness the source. You just
 21 testified as to the foundation of where this came from.

22 So the very last part of the question is legitimate
 23 and appropriate, which is: Does this look like it looked on
 24 August 12, 2017. And that is what will be allowed.

25 BY THE WITNESS:

1 Q Sometime in November you realized that this domain no
 2 longer was controlled by Life After Hate, the non-profit; is
 3 that correct?

4 A I'm not sure of the exact date, but we certainly learned
 5 that it wasn't directed.

6 Q What appeared on that domain instead?

7 A It was very similar language and logos and everything like
 8 that, but it was on Christian Picciolini's personal website.

9 Q I'm going to direct the Court to previously admitted Life
 10 After Hate Exhibit 10. And I'd like you to go towards the back
 11 of Exhibit 10. Bates stamped Number 3499.

12 MS. SAPER: Blow it up, please.

13 BY MS. SAPER:

14 Q This document -- this is part of the trademark application.
 15 It's a public record, which is -- it's Mr. Picciolini's
 16 application for the ExitUSA standard word mark. And this is
 17 the specimen he uploaded to prove his use of the ExitUSA name.

18 Do you -- does this specimen look like the website, as
 19 you remember it, when it redirected to
 20 ChristianPicciolini.com\ExitUSA?

21 MR. KUO: Objection. Foundation.

22 BY THE WITNESS:

23 A Yes.

24 THE COURT: Okay. It's sustained. The last part of
 25 the question is correct, but you can't testify regarding --

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1 A Yes. Yeah, that ...

2 BY MS. SAPER:

3 Q And can you tell me what the website consisted of?

4 A It consisted of this slogan and the copy. And if you -- I
 5 don't know if you have the scroll down -- more copy. And then
 6 at the bottom should be a "contact us" instructions to -- to
 7 contact -- to contact us if you needed help.

8 Q Have you conducted an archive.org search for ExitUSA.org's
 9 domain previous to August of 2017 yourself?

10 A Yes.

11 Q Did it look like this?

12 A Yes.

13 MS. SAPER: Your Honor, I'd like to move this archival
 14 screenshot into evidence as Exhibit Number 63.

15 MR. KUO: Objection. The exhibit is still hearsay.
 16 His testimony about what he remembers it looking like, I
 17 understand your ruling, but the exhibit itself is still
 18 hearsay.

19 THE COURT: Well, what it looked like -- I mean, the
 20 only hearsay in the exhibit is what is actually said on the
 21 exhibit. Whether it looked like this at that time is not being
 22 offered for the truth but, rather, that this page existed like
 23 this at that time. So it's overruled. The hearsay part is the
 24 language inside, and no one is arguing about that right now.

25 BY MS. SAPER:

1 MS. SAPER: I understand.

2 THE COURT: -- what people said and how they said it.
 3 The witness is the evidence.

4 BY MS. SAPER:

5 Q Have you -- have you had an opportunity to review Christian
 6 Picciolini's trademark application which is available at
 7 USPTO.gov?

8 A Yes.

9 Q And have you had a chance to review the specimen that
 10 Mr. Picciolini attached to his United States Patent and
 11 Trademark Office trademark application?

12 A Yes.

13 Q Is this that specimen?

14 A Yes.

15 Q What is this specimen?

16 MR. KUO: Objection. Foundation.

17 THE COURT: Okay. He's laying it, so we'll find out.

18 BY THE WITNESS:

19 A This specimen is what Christian used in his trademark
 20 application to show his use of the mark. That's the example
 21 that was --

22 THE COURT: So the foundation then is sustained.

23 You can lay the foundation, how you know that.

24 BY MS. SAPER:

25 Q And do you see an ExitUSA logo appearing on this page?

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1 A Yes.

2 Q Is that Life After Hate's logo that was developed with
3 Gravity Tank, the Chicago-based agency?

4 A Yes, it is.

5 Q Is it similar in verbiage to the verbiage -- the verbiage
6 underneath that logo on ChristianPicciolini.com\ExitUSA does
7 this verbiage mirror or look very similar to the verbiage that
8 was on --

9 A Some of it is similar, and some of it is identical.

10 Q And I also see at the bottom a tagline, "No Judgment. Just
11 Help." Do you see that tagline?

12 A Yes.

13 Q Was that a tagline that appeared prominently on the Life
14 After Hate ExitUSA.org website?

15 A Yes.

16 THE COURT: So the foundation objection goes to how he
17 knows that this is a piece of evidence that was attached to his
18 trademark application. That's the question -- that's the
19 foundation.

20 BY MS. SAPER:

21 Q Were you able to review the trademark application?

22 A Yes.

23 Q Did you see that this was -- how did you know that this was
24 an attachment to the application?

25 A I'm not sure I understand the question.

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1 building, and we lost it and all the traffic that went with it.
2 Q Okay. I'm going to now show you what we've previously
3 marked as Life After Hate Exhibit 58.4 And similar to what we discussed before with using the
5 Wayback Machine, did you utilize this archival website to pull
6 up a snapshot of what the LifeAfterHate@TeamExitUSA Twitter
7 page looked like?

8 A Yes.

9 Q Is this that snapshot?

10 A That's the snapshot.

11 Q If we scroll down towards the bottom -- is this the wrong
12 one? No.13 MS. SAPER: Just kind of want to show how far back it
14 goes.

15 BY MS. SAPER:

16 Q Does this all look like activity that took place on the
17 account while Mr. Picciolini was associated with Life After
18 Hate?

19 MR. KUO: Objection. Hearsay.

20 THE COURT: Overruled.

21 BY THE WITNESS:

22 A Yes.

23 BY MS. SAPER:

24 Q Were these tweets that took place -- who would tweet from
25 the ExitUSATeam account on behalf of Life After Hate?

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1 Q Were you able to see that this was an attachment to the
2 application by reviewing the USPTO government record of the
3 application?4 A Yes. It was part of the application going to the USPTO --
5 THE COURT: Do you still have an objection?6 MR. KUO: To the extent that he's testifying as to
7 what it was submitted for or anything like that, he doesn't
8 have foundation to testify about that. So, yes, I still have
9 an objection.10 THE COURT: Okay. So that's overruled because the
11 question was whether or not it was a document that was attached
12 to the trademark application. So overruled.

13 BY MS. SAPER:

14 Q What was the result of this redirection? How did Christian
15 Picciolini's redirection of the ExitUSA.org domain name to
16 ChristianPicciolini.com\ExitUSA cause issues for Life After
17 Hate, the Illinois non-profit?18 A Well, beyond, you know, the obvious causing confusion,
19 we -- a lot of people associated the ExitUSA domain with Life
20 After Hate, and we lost the ability for people to contact Life
21 After Hate through ExitUSA, which was a way some people did.
22 So we lost contact with academics, with government, with -- we
23 don't know how much different, you know, kinds of people. But
24 we -- you know, we had a brand that we had as an organization
25 invested a great deal of time, money, and resources into

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1 A I know Christian did for sure. And I'm not sure, maybe
2 Angela. I wasn't doing the social media stuff, but I think
3 Angela was, too.

4 Q And at what point did the name or the description --

5 MS. SAPER: If you go back to the first page and if
6 you can blow up the --

7 BY MS. SAPER:

8 Q At what point did the description of the handle change from
9 ExitUSA Now@Free Radicals.org -- or FreeRadicalsOrg?10 A I don't know the exact date, but it would have been
11 sometime after Free Radicals was formed, in around that time.12 Q The description now says, "ExitUSA Now@FreeRadicalsOrg,
13 founded by @CPicciolini, provides ongoing support for members
14 of violent hate groups who want to change their lives."15 Is that the verbiage that existed on this Twitter page
16 prior to Mr. Picciolini leaving?

17 A No.

18 Q What did the verbiage used to say?

19 A I don't know the exact verbiage, but it wasn't that.

20 Q And I'm directing you now to the banner for the Twitter
21 account. That says, "There is Life After Hate ExitUSA."22 Is this the collateral you developed with Gravity Tank
23 as Life After Hate, the Illinois non-profit?

24 A I believe so.

25 Q Is this the exact same content that existed prior to the

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1 account being changed to ExitUSA Now@FreeRadicalsOrg?
 2 A As far as I know, yes.
 3 Q Now, if we look at it, did anyone from Life After Hate
 4 tweet -- the first tweet -- "Free Radicals Project, ExitUSA has
 5 retweeted Free Radicals Project. This agency is partnering
 6 with a former neo-Nazi to combat violent extremism using paid
 7 search." Did anyone at Life After Hate do this retweet?

8 A No.

9 Q At what point did you lose the ability to tweet from this
 10 account?

11 A Again, I don't know the exact dates, but it was in and
 12 around the time that Christian was terminated. I believe it's
 13 one of the accounts that we never -- that, the YouTube channel,
 14 and the domain that we lost control of when --

15 Q Is this Twitter page live now?

16 A No. No.

17 Q What do you mean by it's not live?

18 A It's been deleted.

19 Q Who deleted it?

20 A I'm assuming Christian deleted it, since he had control of
 21 it.

22 Q So the entire --

23 MR. KUO: Foundation.

24 THE COURT: Jump up. It's speculation and that's
 25 sustained.

1 Q Was that a problem?

2 A Obviously, if people were looking for ExitUSA and Life
 3 After Hate. They have two choices here, not just the one.

4 MS. SAPER: Okay, your Honor, I'd like to move
 5 Exhibit 58 into evidence --

6 THE COURT: Okay.

7 MS. SAPER: I'm sorry. This was Exhibit 41. I
 8 thought it was attached --

9 MR. KUO: We object, your Honor.

10 THE COURT: Based on?

11 MR. KUO: It's hearsay.

12 THE COURT: Okay. It's overruled.

13 So hearsay is what is contained within the actual
 14 statement.

15 What he's looking at is at the time when he went to
 16 search would he see this at this time.

17 So whether or not it's the truth of the matter
 18 asserted that ExitUSA is providing ongoing support for members
 19 of violent -- that's your hearsay.

20 So it's not being offered for the truth. It's being
 21 offered to explain how he observed where the website was listed
 22 on that day. Overruled.

23 MR. KUO: Your Honor, I'd also like to object on the
 24 basis of foundation. While he's testified that he's done
 25 searches, he did not testify -- and I don't know that he can --

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1 BY MS. SAPER:

2 Q But as far as you know, this account and all of its
 3 contents have since been deleted. You can't find them when you
 4 search @ExitUSATeam.

5 A No, it's -- it's gone. And I believe, if memory serves me
 6 correctly, it was gone like three days before Christian's
 7 deposition.

8 Q And what is the result -- what was the result of
 9 Mr. Picciolini changing this Twitter account to say @ExitUSA
 10 Now at Free Radicals?

11 A Well, clearly, clearly confusion, and now it's deleted.
 12 We've lost the followers. We've lost -- you know, we've lost
 13 the ability to run metrics with the account. We've sort of --
 14 we've lost everything that was built up into that account
 15 before Christian left.

16 Q Do you remember conducting any searches for ExitUSA around
 17 October or November of 2017 or even in 2018?

18 A I think I did one -- I did it a couple times in 2018.
 19 (Counsel conferring.)

20 MS. SAPER: 2805.

21 BY MS. SAPER:

22 Q And when you would do that Google search, what would show
 23 up besides the Life After Hate page?

24 A Besides Life After Hate collateral, what showed up is
 25 ExitUSA Now@FreeRadicals.org.

1 that this is actually his search.

2 THE COURT: Okay. I think he said that he did search
 3 it, but I'll let you lay that foundation. That's sustained.

4 BY MS. SAPER:

5 Q Did you conduct a search to find ExitUSA -- does this look
 6 like a search that you conducted to see what would result?

7 A Yeah, I've done multiple searches.

8 Q I think they're asking about this specific search.

9 Was it someone in your organization, or did you do
 10 this search to see what would result?

11 A This -- this particular result I think is someone at the
 12 organization.

13 MS. SAPER: Okay, your Honor, I'd like to move
 14 Exhibit 58 and 41 into evidence.

15 THE COURT: Okay. So the question is for the
 16 foundation when was -- when did he observe it, at what time did
 17 he observe it, if someone else conducted it, when did he -- how
 18 did he receive it, so all of that foundation has to be laid.

19 MS. SAPER: Okay. Thank you, your Honor.

20 BY MS. SAPER:

21 Q So if you can't remember whether or not you may have done
 22 this particular search, is it -- did you review the searches
 23 that others in the organization did at the time?

24 A Yeah, it was as we were collecting evidence, as we were
 25 doing production, everything was shared, and we all looked at

1 it.
2 Q And who else could have produced this search in your
3 organization?
4 A Probably Angela King.
5 Q And how did she show it to you?
6 A Through a screenshot.
7 Q And after you reviewed it, what did you do with it?
8 A I think we -- we just looked at it as another example of
9 the confusion and got frustrated at it, at the level that it
10 was happening.
11 Q So you recognize this to be that search result that was
12 shown to you by potentially Angela King.
13 A Yes.

14 THE COURT: When?

15 BY MS. SAPER:

16 Q When did this search result happen?
17 A During production.
18 Q Did it happen around October of 2018, around the time this
19 lawsuit was filed?
20 A Yes.
21 THE COURT: Okay. And you're still objecting?
22 MR. KUO: I am.
23 THE COURT: Overruled.
24 Clear the screen, please.
25 Thank you.

1 website to determine what the domain name was doing around
2 January to March, let's say, of 2018?

3 A Yes. I've used the Wayback Machine and the whole team has
4 used the Wayback Machine to multiple times look into histories
5 as to what the domain was being redirected to.

6 Q I'm showing a snapshot of such an internet archive search.

7 Does this look like a search you may have conducted to
8 determine what was going on with ExitUSA.org on March 22nd,
9 2018?

10 A I don't know if I conducted that search, but I've seen it
11 before.

12 Q How have you seen it?

13 A In the production.

14 Q And who would have produced it?

15 A Either myself, Angela King, or Dimitry.

16 Q Who is Dimitry?

17 A I mean, not -- he does our social media stuff. He's our --
18 our tech-savvy person.

19 Q And does this -- does this archive snapshot show that
20 ExitUSA.org was redirecting to FreeRadicals.org in March of
21 2018?

22 A Yeah, I think there's -- there's an error or something in
23 there, but then it does definitely redirect to
24 FreeRadicals.org.

25 MR. KUO: Judge, hearsay.

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1 MS. SAPER: Okay. We move those into evidence.
2 THE COURT: It will be admitted.

3 (Said exhibits received in evidence.)

4 MR. KUO: Your Honor, I haven't been objecting to the
5 leading, just kind of to move things along, but it is --

6 THE COURT: Okay. So when somebody gets a foundation
7 objection, which are primarily the objections you've made --

8 MR. KUO: Not specifically to that one.

9 THE COURT: You shouldn't interrupt.

10 So when someone does a foundation objection, then
11 when -- then they have the ability to lead. So for the other
12 parts, fine. But don't lead.

13 BY MS. SAPER:

14 Q Sometime around January of 2018, what was -- what
15 happened -- what was -- to your knowledge, what happened to the
16 ExitUSA.org domain name?

17 A I believe it started pointing to Free Radicals.

18 Q Why was that a problem?

19 A Well, again, it was the "ExitUSA" domain name. It should
20 be pointing to our assets, but it was pointing to something
21 that -- that appeared to be in direct competition with what we
22 were -- what we were doing previously. And, you know, it was
23 our domain.

24 Q And similar to what we just discussed, as you were
25 preparing to bring this suit, did you use the Wayback archive

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1 THE COURT: So here's your problem. Now you're back
2 to foundation, but foundation for a different situation.

3 So he can testify in his opinion as to what was
4 happening that he observed.

5 But when you start doing internet archived searches,
6 then the person that actually did that search is the person who
7 has to do it.

8 I mean, I don't know if you've discussed with each
9 other whether you're calling that person in as a witness or
10 whether there's --

11 MS. SAPER: Ms. King is the other witness who we're
12 deposing via video.

13 THE COURT: Okay. So then his testimony isn't that he
14 conducted it. His testimony has to be that he was informed of
15 something. Right?

16 MS. SAPER: Yes, your Honor.

17 THE COURT: And then what he did is in response to
18 being informed of that. So then you do have the hearsay
19 foundation objection if he wasn't the person who actually did
20 the search.

21 MS. SAPER: I appreciate that, your Honor.

22 THE COURT: All right. Sustained.

23 BY MS. SAPER:

24 Q So did you review the searches that Ms. King conducted on
25 the Wayback Machine website?

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1 A Yes.

2 Q And did they confirm that the domain name was --
3 ExitUSA.org was forwarded to FreeRadicals.org in April of 20184 THE COURT: But that's the hearsay portion. So it has
5 to be when he was given this information, what did you do as a
6 result. Right? Because the only way it can be not hearsay is
7 if it's for how he responded to it, as opposed to the truth
8 that it was being redirected to FreeRadicals.org. He can't say
9 that. He's been shown that, but he didn't do the search to
10 prove that.

11 MS. SAPER: Okay.

12 THE COURT: Okay? Sustained.

13 BY MS. SAPER:

14 Q How did you react when you reviewed the archived snapshots
15 that showed ExitUSA.org forwarded to FreeRadicals.org?16 A Again, it was -- it was frustration at the ongoing
17 violation of our domain and our trademark and, you know, for
18 the -- for the, you know, the personal use of Christian.19 Q You filed this suit around October of 2018; is that
20 correct?

21 A Yes.

22 Q As of October of 2018, do you recall whether ExitUSA.org
23 was still forwarding to FreeRadicals.org?

24 A Yes.

25 Q And did -- did Angela King make you aware of the same

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1 snapshots that she had procured from Wayback Machine?

2 A She did make me aware of those, and then we were able to
3 see it, you know, ourselves before we made the decision.4 Q To your knowledge, did Christian also register a domain
5 www.Exit.US?

6 A Yes.

7 Q How would you have that knowledge?

8 A I believe it was re -- I think we did a WhoIs.

9 Q And when did you do that WhoIs search?

10 A I don't remember the exact date. It was sometime after --
11 after he left.12 Q And when you did that WhoIs search, where did the Exit.US
13 domain direct to?

14 MR. KUO: Objection, your Honor. Hearsay.

15 THE COURT: Is this the WhoIs search? This is a
16 different kind of search.17 MS. SAPER: Sorry, I didn't introduce it. This -- I'm
18 now showing you on the screen what is Life After Hate
19 Exhibit 53.

20 (Counsel conferring.)

21 MS. SAPER: This is the same exhibit?

22 MR. MONACO: No, this is --

23 MS. SAPER: This is a different exhibit.

24 BY MS. SAPER:

25 Q Okay. I'm showing you what's marked as Life After Hate

1 Exhibit 53.

2 (Counsel conferring.)

3 BY MS. SAPER:

4 Q Do you remember Angela showing you this screenshot in
5 September of 2017?

6 A No.

7 Q When do you remember seeing this screenshot?

8 A As we went through production.

9 Q And what was your understanding of what the screenshot
10 stated?11 A It was the Exit.US domain redirecting to ExitSolutions.org,
12 which was another one of Christian's sites.

13 MR. KUO: Objection, your Honor. That's hearsay.

14 THE COURT: Okay. It's true. Sustained.

15 So you can ask different questions about what was the
16 purpose of receiving this and how he responded to receiving
17 this, et cetera, but --

18 MS. SAPER: Okay.

19 BY MS. SAPER:

20 Q What was the reason Angela showed you this search?

21 THE COURT: You have to --

22 MR. KUO: Objection.

23 THE COURT: Objection sustained. Speculation.

24 BY MS. SAPER:

25 Q Did Angela show you the results of this search?

McAleer - Direct (Resumed) by Saper

1 A Actually, I remember going to those sites when they were
2 live. This search, in particular, this Wayback Machine search,
3 I didn't -- I didn't do. But ExitSolutions.org was a site that
4 I visited when it was active. Free Radicals is a site that I
5 visited when it was active.

6 MR. KUO: Objection, your Honor. Nonresponsive.

7 THE COURT: Okay. Overruled. He can testify to that,
8 but it doesn't lay the foundation for the exhibit.9 MS. SAPER: Understood, your Honor. So -- we can
10 bring these in with Ms. King later.

11 BY MS. SAPER:

12 Q When you -- when you did those searches, when did you do
13 those searches?

14 A When did I visit those sites?

15 Q Yeah.

16 A It would have been -- I don't remember the exact dates, but
17 it was after -- after Christian left because there were so many
18 different iterations of what he was doing. There was things
19 pointing to his personal website. There was things going to
20 ExitUS. There was things going to Exit Solutions. It was
21 constantly changing, what he was doing, so we were always
22 trying to actively see what he was doing, particularly with --
23 with our brands.24 Q Let's turn our attention now to the four -- or at least
25 three videos that Mr. Picciolini testified to being the creator

McAleer - Direct (Resumed) by Saper

1 and copyright holder of.

2 A Sure.

3 Q I'd like to turn your attention to Exhibit Number 12.

4 Do you recognize what Exhibit Number 12 is?

5 A Yes.

6 Q What is Exhibit Number 12?

7 A Exhibit Number 12 is the report released by the Institute
8 for Strategic Dialogue.

9 Q Who is the Institute for Strategic Dialogue?

10 A It's a think tank in London that runs the Against Violent
11 Extremism Network.

12 To give a little background, we had -- they put out an
13 RFP for a counter-narrative campaign. I responded on behalf of
14 Life After Hate and applied for that counter-narrative
15 campaign, for us to participate in that. We were one of three
16 non-profits selected by ISD to participate in their
17 counter-narrative campaign. And ISD gave us funds and
18 advertising -- in kind advertising dollars on the different
19 platforms to produce three or four videos -- originally, it was
20 going to be three, and then they had a little bit of money left
21 over, so they gave us money for the fourth -- videos for a
22 counter-narrative campaign where they were going to -- we were
23 going to see the effectiveness of different types of messaging
24 online targeted at sort of those leaning towards violent
25 extremism. And that -- this is the report of the metrics that

1 MR. KUO: Objection, your Honor. This is hearsay.
2 This is -- it's not his document. It's somebody else's.

3 THE COURT: Okay. So he can identify the document.
4 And if there's some other reason that there's something in the
5 document that he is going to testify to, he can testify to it
6 for other reasons other than the substance of it. Right?

7 BY MS. SAPER:

8 Q Was the campaign -- did the campaign include -- did the
9 four videos that were part of the campaign that was funded by
10 this organization, were they "No Judgment. Just Help," "There
11 is Life After Hate," "Oak Creek," and "The Formers"?

12 A Yes. Those are the titles of the four videos that we
13 produced.

14 Q And was it always Life After Hate, Inc.'s property? Was --
15 were the videos produced for and on behalf of Life After Hate,
16 the Illinois -- Life After Hate, Inc., the Illinois non-profit?

17 A Institute for Strategic Dialogue gave us money to produce
18 those videos for Life After Hate.

19 Q Thank you.

20 MS. SAPER: I'd like to move to submit Life After Hate
21 Exhibit 12 into evidence.

22 THE COURT: Okay. It will be admitted.

23 (Said exhibit received in evidence.)

24 MS. SAPER: Thank you.

25 BY MS. SAPER:

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1 came out of that, I think it was a three-week -- three-week
2 trial where they did the analytics. Maybe it was four.

3 Q How did you receive this document?

4 A I was sent it by Institute for Strategic Dialogue. As you
5 can see, it was a pre-release. At the top it says, "Embargoed
6 until August 1st, 2016." But that was sent by Institute for
7 Strategic Dialogue for our -- read it before it went to the
8 media.

9 Q What is a counter-narrative campaign?

10 A A counter-narrative campaign is videos or any kind of media
11 campaign that counters the narratives of extremist groups, so
12 whether that be ISIS, violent far right or whatever. Ours was
13 targeted to violent far right. And it -- our videos were
14 designed to create a bit of cognitive dissonance to provoke --
15 hopefully provoke a bit of questioning, you know, for people to
16 take a minute to think about what they were doing.

17 Q Who created these goals and objectives and these -- video
18 content and campaign targeting?

19 A That was Institute for Strategic Dialogue.

20 Q Did ExitUSA -- Life After Hate, Inc.'s ExitUSA participate
21 in outlining what these goals and objectives should be?

22 A We probably provided input. Definitely.

23 Q And if you look at the next page, on 17, what's
24 happening -- what are -- what videos are described on page 17?

25 A The videos --

419 McAleer - Direct (Resumed) by Saper

1 Q If you look at -- I'd like to turn your attention to now
2 Life After Hate Exhibit 51.

3 MS. SAPER: This has -- this had been previously
4 admitted into evidence during Mr. Picciolini's deposition --
5 I'm sorry, testimony.

6 BY MS. SAPER:

7 Q I'm going to turn you to the last page.

8 MS. SAPER: Can you turn it around?

9 MR. MONACO: Yes.

10 MS. SAPER: Perfect. Okay.

11 BY MS. SAPER:

12 Q Do you recognize this screenshot?

13 A Yeah. It's -- I recognize it from the ExitUSA YouTube.

14 Q How are you able to -- do you remember conducting a search
15 on YouTube for ExitUSA?

16 A Recently? I've done it recently. It doesn't exist.

17 Q Prior --

18 MS. SAPER: Your Honor, if I may, this has already
19 been submitted into evidence. Do I -- I don't need to lay the
20 foundation again, do I?

21 THE COURT: Well, for his viewing of it or his
22 knowledge -- so this would all go much smoother if you tried
23 just who, what, when, where, how. How are you aware of this?
24 When did you see it? Who showed you this? All of who, what,
25 when, where, how, which would get you away from leading, which

1 would get you into the foundation, and would have him testify
 2 rather than you. Okay?

3 MS. SAPER: I appreciate it, your Honor.

4 BY MS. SAPER:

5 Q Okay. So how were you made aware of -- I'll back up.
 6 Did ExitUS -- did Life After Hate have a YouTube

7 channel for ExitUSA?
 8 A Yes. And in my email signature, I had a link to each of
 9 the four videos in that ExitUSA YouTube page.

10 Q Who created the Life After Hate ExitUSA YouTube page?

11 A There are two separate YouTube pages, but the ExitUSA page
 12 I believe was created by Christian.

13 Q And who had primary access to the Life -- sorry, the
 14 ExitUSA YouTube page owned by Life After Hate?

15 A Christian.

16 Q And after you created the videos, who uploaded the videos
 17 to the ExitUSA YouTube page?

18 A I'm not sure mechanically who uploaded the videos. I
 19 assume they -- I assume Christian did.

20 Q And how were the videos titled?

21 A "There is Life After Hate," "Oak Creek", "Formers," and I
 22 can't remember what the fourth one was, if it was there.

23 Q And does this image accurately reflect what you remember
 24 the YouTube channel looking like --

25 A Yeah.

1 Life After Hate and it's now gone. It's been destroyed --
 2 Q Now I'm going to show you the first page of this packet
 3 under Exhibit 51.

4 Do you remember visiting Christian Picciolini's
 5 YouTube page?

6 A I don't think I ever did visit Christian Picciolini's
 7 YouTube page.

8 Q Are you aware that Mr. Picciolini changed the title of the
 9 video to "Free Radicals PSA" instead of "Life After Hate's
 10 PSA"?

11 MR. KUO: Objection. Foundation.

12 THE COURT: Okay. Sustained.

13 BY MS. SAPER:

14 Q Do you know whether Mr. Picciolini has used these videos
 15 elsewhere?

16 A Yes, I do.

17 Q And do you know if he's changed the videos in any way?

18 A On the video on the FreeRadicals.org website, the video is
 19 identical at the beginning; but at the end, it doesn't say
 20 "ExitUSA." It says -- it directs people to Free Radicals. So
 21 the end -- I don't know what they call it, but the end panel
 22 with ...

23 Q Let's talk about the Free Radicals website then. Let's go
 24 to Exhibit 39. I believe this is also Defendants' Exhibit 17.

25 Have you ever visited FreeRadicals.org?

1 Q -- in -- in October of 2015?

2 A Because my email signature linked to it.

3 Q And the title of the video was "There is Life After Hate"
 4 as uploaded in October of 2015; is that correct?

5 A Yes.

6 Q Now, if you turn to the beginning of this packet of
 7 evidence, after Christian left, did you have access to the
 8 ExitUSA YouTube page?

9 A Not administratively, but my email signature is still
 10 linked to the videos inside it.

11 Q Is the ExitUSA YouTube page live now?

12 A No.

13 Q Why not?

14 A It's been deleted.

15 Q Do you know when it was deleted?

16 A Very recently, because people started telling me my videos
 17 are no longer -- the links are broken, so -- I don't know the
 18 exact date.

19 Q What is the impact of your ExitUSA YouTube page now gone,
 20 being gone, being deleted?

21 A Well, again, you know, it was -- I think it was created in
 22 2014. We put a large amount of time, assets, money, into
 23 developing these videos. There's traffic, there's following.
 24 You know, we've lost, you know, metrics. We've lost -- you
 25 know, it's -- it's an asset that had value and significance for

1 A Yes. Many times.

2 Q And do you remember what the Free Radicals website
 3 displays?

4 A Some of our slogans, but it also displays the video "There
 5 is Life After Hate."

6 Q And has the video been titled in any way that you find
 7 objectionable?

8 A Well, considering it was paid for and created by Life After
 9 Hate and ExitUSA and it's titled with somebody else, yeah,
 10 that's problematic. The end slide is different as well.

11 Q Does the Free Radicals page, to your knowledge, also
 12 include the words "Life After Hate" prominently in any other
 13 location?

14 MR. KUO: Objection. Leading.

15 THE COURT: Okay. I'm going to take -- that's
 16 sustained.

17 I'm going to take a short five- to ten-minute break,
 18 okay?

19 And I'll see the interns in back. Okay?

20 LAW CLERK: All rise. Court is now in recess.

21 (Recess taken from 10:53 a.m. to 11:11 a.m.)

22 THE COURT: You can take the stand again, sir.
 23 (Witness resumes the stand.)

24 THE COURT: And you understand you're still under
 25 oath.

McAleer - Direct (Resumed) by Saper

1 THE WITNESS: Yes.

2 THE COURT: Okay. All right. Please be seated and
3 come to order.

4 And you can pick up where you left off, Ms. Saper.

5 MS. SAPER: Okay. What was the last question I asked?

6 THE COURT: Let me take a peek.

7 MS. SAPER: Okay.

8 THE COURT: (Reading:) "And has the video been titled
9 in any way that you find objectionable?10 "Well, considering it was paid for and created by Life
11 After Hate and ExitUSA and its titled by somebody else, yes,
12 that's problematic."13 And then: "Does the Free Radicals page, to your
14 knowledge, also include the words 'Life After Hate' prominently
15 in any other location?"

16 BY THE WITNESS:

17 A Yes.

18 MR. KUO: I -- your Honor, I had objected to that one,
19 and you had sustained it.

20 THE COURT: I can't hear you.

21 MR. KUO: I had objected to that as leading, and you
22 had sustained it.23 THE COURT: Okay. So you need to redirect -- I
24 sustained the objection. You need to rephrase.

25 BY MS. SAPER:

1 A Arno Michaelis is the author of the book "My Life After
2 Hate" and is the first person at Life After Hate that I was in
3 contact with, and he built the original website.4 Q Does Life After Hate, the non-profit Illinois organization,
5 recognize Mr. Michaelis as the originator of the concept and
6 title "Life After Hate"?

7 A Yes, we do.

8 Q How do you recognize him?

9 A On the history part of the website.

10 Q I'm showing you what I've marked as Exhibit -- Exhibit 64.
11 Do you recognize this -- what I placed on the screen?

12 A Yes.

13 Q What is this?

14 A We decided to honor the contributions of Arno Michaelis.
15 Even though he left the organization, we felt it was important
16 to memorialize his early contribution to what we are today.

17 Q Are you aware of -- strike that.

18 Does Mr. Michaelis have a book called "My Life After
19 Hate"?

20 A Yes, he does.

21 Q Is he currently promoting that book?

22 A Yes, he does.

23 MR. KUO: Objection. Foundation.

24 THE COURT: Okay. Based upon your knowledge. How do
25 you know?

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1 Q Mr. McAleer, are you aware of Mr. Picciolini using the term
2 "Free Radicals" in conjunction with the videos commissioned and
3 created by Life After Hate, the non-profit?

4 MR. KUO: Objection. Leading.

5 THE COURT: Overruled.

6 BY THE WITNESS:

7 A Can you repeat the question?

8 MS. SAPER: Can you repeat the question?

9 THE COURT: (Reading:) "Are you aware of
10 Mr. Picciolini using the term 'Free Radicals' in conjunction
11 with the videos commissioned and created by Life After Hate,
12 the non-profit?"

13 BY THE WITNESS:

14 A Yes, I am.

15 BY MS. SAPER:

16 Q How are you aware of that?

17 A They're prominently displayed on the Free Radicals website

18 Q In your opinion, why is this a problem for Life After Hate,
19 the non-profit?20 A Well, again, because Life After Hate commissioned the
21 video -- was commissioned to produce the videos for ExitUSA and
22 Life After Hate and it has another completely different
23 organization owned by someone who we have terminated, that's
24 problematic and it's likely to create confusion.

25 Q Who is Arno Michaelis?

427 McAleer - Direct (Resumed) by Saper

1 BY MS. SAPER:

2 Q To your knowledge, has Mr. Michaelis promoted his book "My
3 Life After Hate"?4 A Yes, he has. I've seen him on social media. I think he's
5 got a Facebook page for it. Tweets about it. Different --
6 different things.7 Q To your knowledge, does Mr. Michaelis have a new book
8 called --

9 A "Gifts of Our Wounds".

10 Q "Gifts of Our Wounds."

11 A He has a new book called "Gifts of Our Wounds" that he
12 wrote with Pardeep --

13 Q How do you know about that book?

14 A I've read excerpts from it. I've seen pictures of him
15 holding the book. I've seen him promote it.16 Q Defendants' counsel previously showed I believe Mr. Rangel
17 screenshots of Mr. Michaelis' social media accounts.

18 I'm going to bring up Life After Hate Exhibit 60.

19 Have you ever visited Mr. Michaelis' Facebook page?

20 A Not in some time, but yes.

21 Q And when you searched for -- have you ever searched for "My
22 Life After Hate" or "Life After Hate" on Facebook?

23 A I've searched for "Life After Hate."

24 Q And when you've searched "Life After Hate," does -- what
25 results show up?

McAleer - Direct (Resumed) by Saper

1 A If I recall correctly, I think we show up and I think Arno
 2 shows up as well, and I think -- I don't know who else.
 3 Q And does Life After Hate, the Illinois non-profit, object
 4 to Arno maintaining a page for his book "My Life After Hate"?
 5 A No, we don't.
 6 Q Why don't you?
 7 A I think -- I think -- well, first of all, he doesn't
 8 compete with us. Any services that he provides he does through
 9 Serve 2 Unite --
 10 Q What is Serve 2 Unite?
 11 A It's a non-profit I think he set up with Pardeep. I can't
 12 remember the last name. And it does educational stuff,
 13 character building, programs very similar to what Arno was
 14 doing with the Wisconsin corporation.
 15 Q And has anyone -- have you encountered any confusion
 16 between Arno's activities and Life After Hate, the non-profit
 17 organizations?
 18 A No, we haven't.
 19 Q Let's look at Arno's Twitter page.

20 To your knowledge, does Arno Michaelis promote himself
 21 as an organization "My Life After Hate" or the author of "My
 22 Life After Hate"?
 23 A No. Again, Arno, when he's promoting his book "My Life
 24 After Hate," he's doing so as an individual. Separate --
 25 doesn't do it as part of Serve 2 Unite, the non-profit he's

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 McAleer - Direct (Resumed) by Saper

1 involved with. And again, because he's not competing with the
 2 services and everything that we do, it's not problematic for
 3 us.
 4 Q And to your knowledge, is Arno promoting his educational
 5 outreach services as an extension of his book promotion, "Gift
 6 of Wounds"?
 7 A Yeah, he offers that himself, and I think he offers it
 8 through Serve 2 Unite as well.
 9 Q And then just a final housekeeping matter. I know you have
 10 to get on a plane to go speak in Pittsburgh -- where are you
 11 speaking?
 12 A It's a panel on Anti-Semitism tonight, and then I'm
 13 visiting Tree of Life Synagogue tomorrow.
 14 Q I'm going to show you Exhibit 59.
 15 Defendants' counsel previously highlighted the
 16 resurrection of the Wisconsin, Inc. in their examination of
 17 Mr. Rangel.
 18 Do you remember that?
 19 A Yes.
 20 Q Were you present for that?
 21 A I was present for that.
 22 Q And they submitted the actual application for
 23 reinstatement.
 24 Do you remember that?
 25 A Yes.

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 McAleer - Cross by Kuo

1 doesn't compete with you; is that correct?
 2 A Well, it's the title of his book, for one.
 3 Q I asked you a question about whether he competes with you,
 4 so if you could answer that question, that would be great.
 5 Is the reason that you don't have a problem with
 6 Mr. Michaelis' use of "My Life After Hate" is because he
 7 doesn't compete with you?
 8 A In providing disengagement and deradicalization services?
 9 Yes.
 10 Q Okay. The "Life After Hate" trademark registration that
 11 you have isn't limited to deradicalization services, correct?
 12 A No.
 13 Q In fact --
 14 MR. KUO: If you could bring up LAH36, please. Zoom
 15 in. On the -- just in the body part. Yes.
 16 BY MR. KUO:
 17 Q We've talked about this document before. Do you recognize
 18 this document?
 19 A Yes, I do.
 20 Q And it states that one of the classes for the Life After
 21 Hate registration is educational services, right?
 22 A Correct.
 23 Q And that's something that Mr. Michaelis does, in fact,
 24 offer is educational services.
 25 A Yes, he does. Very different from ours.

1 Q It just says educational services. It doesn't talk about
 2 any specific type of educational service, does it?

3 MS. SAPER: Objection, your Honor. The document
 4 speaks for itself.

5 THE COURT: Okay. It's overruled. Just to the extent
 6 that he is aware.

7 You can respond.

8 BY THE WITNESS:

9 A What was the question again?

10 MR. KUO: Can you read it back, please, your Honor?

11 THE COURT: Oh, my goodness.

12 MR. KUO: I'll ask it. That's okay.

13 THE COURT: Just ask another question.

14 MR. KUO: Sure. Sure.

15 BY MR. KUO:

16 Q The recitation of the service -- of educational services in
 17 your registration has no limitation as to whether it's for a
 18 particular type of education, does it?

19 A The document doesn't specify anything further I guess, no.

20 MR. KUO: Could you bring up LAH60, please?

21 I'm sorry, we didn't get 60? That's one that you had
 22 just used, I believe.

23 MR. MONACO: Do you want me to plug it in for you?

24 MR. KUO: Yes, please. That would be great.

25 BY MR. KUO:

1 THE COURT: Okay.

2 MS. SAPER: Asks for speculation.

3 THE COURT: Sustained.

4 BY MR. KUO:

5 Q You testified earlier about exit -- exit groups.

6 Do you recall that?

7 A Yes.

8 Q And I believe you said that your first introduction to it
 9 was in something like 2014 when you went to visit people in
 Europe; is that right?

10 A Well, I knew who the exit groups were because I was going
 11 to Europe to meet with them, so I would have been aware of them
 12 prior to 2014.

13 Q How far prior?

14 A I don't recall exactly.

15 Q A couple years, more?

16 A Yeah, safe to say. I think it might have come up in
 17 Dublin --

18 Q And the --

19 A -- actually.

20 Q I'm sorry?

21 A Actually, it wasn't that long after Dublin before Angela
 22 King and I believe Christian was there, we were at a Google
 23 event where Robert Orell from Exit Sweden was there, so it
 24 would have been 2012, maybe 2011 --

433 McAleer - Cross by Kuo

1 Q Mr. McAleer, you had just testified about this document
 2 that's shown up on the screen, correct?

3 A Yes.

4 MR. KUO: And this, for the record, is LAH60.

5 BY MR. KUO:

6 Q Drawing your attention to what's shown on the screen under
 7 the photograph where it says "My Life After Hate," it states
 8 "I'm raising money for," and then it's got some symbol there, "a
 9 travel fund empowering me to assist people face-to-face in the
 10 process of leaving white supremacist hate groups."

11 Did I read that correctly?

12 A It appears so.

13 Q And that's what Mr. Michaelis is saying, correct?

14 MS. SAPER: Objection. Speculation.

15 BY MR. KUO:

16 Q That's what's stated on Mr. Michaelis' Facebook page,
 17 right?

18 MS. SAPER: Objection. No foundation.

19 THE COURT: It's hearsay. Sustained.

20 BY MR. KUO:

21 Q The services that Life After Hate offers, amongst others,
 22 is exiting from white supremacist groups, correct?

23 A Correct.

24 Q So it's the same thing that is stated on the website.

25 MS. SAPER: Objection. Calls for speculation.

435 McAleer - Cross by Kuo

1 Q So --

2 A After --

3 Q -- two to three years before your trip to Europe you had
 4 heard about exit groups.

5 A Yes.

6 Q And these exit groups, they have a particular program,
 7 right?

8 A Well, not a -- not a -- each individual group. Like Exit
 9 Sweden has a particular way of providing their disengagement
 10 and deradicalization services. Exit Norway does
 11 deradicalization and disengagement services under that brand,
 12 but they're very different from Exit Sweden.

13 Q So each of the exit groups that you encountered, they
 14 provide the same type of service albeit maybe in a different
 15 way, but it's all for disengagement, deradicalization; is that
 16 right?

17 A That's right. That's what -- that's what Exit Germany,
 18 Exit Sweden, and Exit Norway.

19 Q And the common term there is "exit," correct?

20 A The common brand label, the common label is "exit," but
 21 they do disengagement and deradicalization services. The
 22 services they provide is not called "Exit." It's -- it's
 23 disengagement and deradicalization.

24 Q But the common brand is "Exit."

25 A Well, I wouldn't even say it's a common brand because

McAleer - Cross by Kuo

1 each -- each individual -- there's no -- there's no commonality
 2 between them. They're -- Exit Sweden does Exit Sweden. Exit
 3 Germany does Exit Germany.
 4 Q But they all do -- they all do deradicalization,
 5 disengagement services, correct?

6 A Correct.

7 Q And they all have the same "Exit" primary word, right?

8 A I wouldn't say they have a primary brand called "Exit."

9 Q Okay. We looked yesterday, I believe, with -- at the

10 Plaintiff's Exhibit 5.

11 MR. KUO: If you can bring that up, please.

12 Oh, your Honor, could you switch back to VGA, please?

13 THE COURT: Oh, yes, sure.

14 (Counsel conferring.)

15 MR. KUO: That's okay.

16 BY MR. KUO:

17 Q This is -- this was previously marked as Plaintiff's
 18 Exhibit 5.

19 Do you recognize this document?

20 A Yes, I do.

21 Q And this is a Strange Loop contract that we had discussed?

22 A Yes.

23 Q Or that had been discussed.

24 A Yes.

25 Q You and I didn't discuss it, but we are now.

1 A Yeah. I can't read any of it, but I can see where you are.

2 Q This is the best copy that was provided to us.

3 MR. KUO: Do you have a better -- do you have a better
 4 copy?

5 BY THE WITNESS:

6 A That's better.

7 BY MR. KUO:

8 Q Okay. Under "Ownership" -- can you read it now?

9 A Yes.

10 Q It states, "Except as otherwise provided herein, all
 11 rights, title, and interest in and to the videos, which are the
 12 subject of this agreement, including all copyrights therein, as
 13 well as in and to all the exposed negatives, positives,
 14 out-takes, and clips shall be the property of the contracting
 15 client."

16 Do you see that?

17 A Yes.

18 Q And at the beginning of the document where "contracting
 19 client" is defined, it lists the contracting client as
 20 Christian Picciolini, correct?

21 A Correct.

22 Q And let's turn to --

23 A But like I said, there was in a follow-up email that
 24 changes it from Christian Picciolini and acknowledges it as
 25 Life After Hate.

437 McAleer - Cross by Kuo

1 Looking at the first paragraph, it states, "Strange
 2 Loop Studios, LLC," and then in quotes, "Production Company,
 3 hereby agrees to provide post-production support to Christian
 4 Picciolini," and then in quotes it says, "contracting client."

5 Do you see that?

6 A Yes.

7 Q If you could go to the --

8 A That was corrected in a follow-up email.

9 Q Well, I'll get to that.

10 MS. SAPER: Can you talk in the mic? It's hard to
 11 hear.

12 MR. KUO: Sorry, me or --

13 MS. SAPER: Both of you, actually.

14 BY MR. KUO:

15 Q If you could turn to page -- it's the sixth page -- maybe
 16 the seventh page.

17 Okay. And there's a bullet point --

18 MR. KUO: No, you're going to need to zoom in more.

19 BY MR. KUO:

20 Q Bullet point Number 5. It's on the left-hand side,
 21 about -- most of the way down.

22 MR. KUO: That's fine.

23 BY MR. KUO:

24 Q And I understand this is a pretty awful copy.

25 But under "ownership," do you see where I am?

439 McAleer - Cross by Kuo

1 MR. KUO: Your Honor, I move to strike that last part
 2 as nonresponsive.

3 THE COURT: Overruled.

4 MR. KUO: How do I page down?

5 MS. SAPER: Is it a touch screen?

6 MR. KUO: Is it? Oh, thank you.

7 BY MR. KUO:

8 Q I'm showing you a page that's been Bates numbered
 9 LAH00003793. And it has signatures for this agreement,
 10 correct?

11 A Yes.

12 Q And is that your signature on this document?

13 A Yes, it is.

14 Q So you agreed to the terms of this agreement that's shown
 15 in Exhibit 5, correct?

16 A With the follow-up email. Yes.

17 Q If you could turn to -- I'll turn you to the -- the next
 18 page states -- and this is -- these are some emails that were
 19 attached to the -- to the agreement.

20 And there's an email from Christian Picciolini to you
 21 dated July 21st, 2015.

22 Do you recognize this email?

23 A Yes.

24 Q And it states, "Tony, since I can't sign on behalf of LAH,
 25 can you sign off on this production agreement for the

1 commercial? Then please send back to me and them? Thanks."

2 And that's from Christian.

3 Do you remember that?

4 A Yes.

5 Q And you responded at 4:10 p.m. on July 21, 2015, "I'll do
6 it when I get home tonight." Correct?

7 A Correct.

8 Q And Christian responded back to you, said -- at 7:18, said
9 "Thanks, I'll submit the down payment." Correct?

10 A Correct.

11 Q Just scrolling through the emails -- I'll do it slower.

12 Can you confirm for me that there's no email, at least
13 in this exhibit, that shows some change to the document that
14 you've testified about?

15 A Is that all there is?

16 Q I'll keep going.

17 We have an email from you to Christian on July 22nd,
18 so the next day, at 8:52 in the morning that says "Sent."

19 Correct me if I'm wrong, but that means you sent the
20 agreement back to Strange Loop.

21 A Yes.

22 Q And you sent it back signed with your -- with your
23 signature and your -- your agreement.

24 A As the organization, yes.

25 Q And then there's another email from Christian where he says

1 our client.

2 THE COURT: Okay. All right. Then we'll go through
3 it at this point.

4 Go ahead.

5 BY MR. KUO:

6 Q So there's this email from Mr. Rangel to you, as well as
7 copied to Mr. Mandell, Ms. King, and Mr. Sipchen, correct?

8 A Yes.

9 Q And that's dated October 30, 2017.

10 And then there's another email after that dated
11 November 20, 2018. And it's from you to Ms. Saper and
12 Mr. Grothouse. Correct?

13 A Yes.

14 Q And that's the end of this email string. So I've now shown
15 you the entire document and the email string.

16 There's nothing in there about a change in the terms
17 of this agreement, is there?

18 A Not in what you've shown me, other than we became the
19 signing -- Christian took his name off personally so we signed
20 as an organization.

21 MR. KUO: Your Honor, I move to strike that.

22 THE COURT: It's overruled.

23 BY MR. KUO:

24 Q You testified earlier about the redirection of the
25 "ExitUSA" domain.

441 McAleer - Cross by Kuo

1 "Thank you."

2 And then there's an email from you, dated October 30,
3 2017, to Mr. Floyd Mandell with the email address
4 KattenLaw.com.

5 MS. SAPER: Objection, your Honor. That's
6 communication that I believe was between the organization and
7 their counsel around the time they hired them to deal with the
8 legal issues.

9 MR. KUO: This is what was produced to us.

10 THE COURT: Okay. Is there some objection that it's
11 privileged or something?

12 MS. SAPER: Yeah, I'm not really concerned about the
13 content. But to the extent they're claiming Life After Hate
14 has waived its attorney-client privilege by producing this
15 inadvertently, we object to that.

16 THE COURT: So this is -- you're asserting privilege.

17 MS. SAPER: We're asserting that the privilege has not
18 been waived because of the disclosure of these particular
19 emails.

20 We're not concerned about the --

21 THE COURT: Well, that's certainly something you
22 should have hammered out a lot longer --

23 MS. SAPER: Yeah.

24 THE COURT: -- ago than this.

25 MS. SAPER: The content has no prejudicial effect to

443 McAleer - Cross by Kuo

1 Do you recall that?

2 A Yes.

3 Q And I believe you testified that you realized this was
4 happening very shortly after Mr. Picciolini left or separated
5 from Life After Hate, correct?

6 A Yeah, to my knowledge. I mean, it's -- it's been a moving
7 piece, so ...

8 Q So this would have been late August, early -- early
9 September of 2017 that you knew that there was a redirection?

10 A I can't remember the exact date. I just know that the
11 redirection happened.

12 Q Was it -- was it in or around the time that I'm suggesting?

13 A It could have been.

14 Q Was it or wasn't it?

15 A I can't remember the exact date.

16 MS. SAPER: Objection. Asked and answered.

17 BY MR. KUO:

18 Q You can't remember it?

19 I didn't ask for the exact date. I'm asking was it
20 late October, early September, something like that?

21 A It could have been.

22 Q And at some point, you sent a -- you had your attorney send
23 a cease and desist letter to Mr. Picciolini?

24 A Yes.

25 Q And it had to do with the redirection -- had to do, in

1 part, with the redirection of "ExitUSA" domain.
 2 A Yes.
 3 Q And Christian didn't stop, did he?
 4 A No.
 5 Q And I think you testified a little while ago that you were
 6 always trying to actively see what Mr. Picciolini was doing,
 7 correct?
 8 A Yes.
 9 Q Mr. Picciolini, he actually responded to the cease and
 10 desist with a claim that ExitUSA was his property, correct?
 11 A That's correct.
 12 Q So did you have any reason to believe --
 13 A Well, I think he responded with let's discuss the division
 14 of assets from a non-profit.
 15 Q Was that based on Mr. Picciolini's belief that he owned
 16 ExitUSA?
 17 A I can't -- I can't ascertain what his belief was.
 18 Q Was that your understanding as to Mr. Picciolini's
 19 position?
 20 A Yes.
 21 Q Mr. McAleer, did you have any reason to believe that
 22 Mr. Picciolini would stop redirecting ExitUSA back in -- back
 23 at the time of the cease and desist?
 24 A That he would stop?
 25 Q Yeah.

1 A I don't know exactly who created that phrase. I know it
 2 came out of the Gravity Tank process of branding and
 3 everything.
 4 Q Do you think it might have been Christian that created the
 5 phrase "No Judgment. Just Help"?
 6 A It's possible.
 7 Q You didn't create it.
 8 A No.
 9 Q To the best of your knowledge, it's Mr. Picciolini that
 10 created it.
 11 A I don't know if that's the best of my knowledge. It's
 12 quite possible.
 13 Q Mr. Picciolini was not an employee of Life After Hate,
 14 correct?
 15 A No. Then he was board chair.
 16 Q And there was no written agreement that anything that
 17 Mr. Picciolini created was to be assigned to Life After Hate,
 18 was it?
 19 A No. But there was an implied fiduciary responsibility as a
 20 board chair.
 21 Q And there was no written agreement that any works created
 22 by Mr. Picciolini were considered works for hire, correct?
 23 MS. SAPER: Objection. Calls for a legal conclusion.
 24 THE COURT: Okay. That's sustained.
 25 BY MR. KUO:

McAleer - Cross by Kuo

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1 A I believed that he wouldn't stop.
 2 Q We talked a little bit about the phrase "No Judgment. Just
 3 Help"?
 4 A Yes.
 5 Q Life After Hate doesn't have a trademark registration for
 6 this, does it?
 7 A Not to my knowledge.
 8 Q And Life After Hate does not have a copyright registration
 9 for that phrase, does it?
 10 MS. SAPER: Objection, your Honor. It's legally
 11 impossible to have a copyright --
 12 THE COURT: Objection is what?
 13 MS. SAPER: It's impossible to get a copyright in a
 14 single phrase or title.
 15 THE COURT: Oh. Overruled.
 16 To the extent that you can answer the question, you
 17 can answer it.
 18 BY THE WITNESS:
 19 A What was the question?
 20 BY MR. KUO:
 21 Q Life After Hate does not have a copyright in the phrase "No
 22 Judgment. Just Help," does it?
 23 A Not to my knowledge.
 24 Q Isn't it true that Mr. Picciolini is a person who actually
 25 created the phrase "No Judgment. Just Help"?

McAleer - Cross by Kuo

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1 Q Was there any legal -- was there any written agreement
 2 between Life After Hate and Mr. Picciolini regarding works that
 3 he created?
 4 A To my knowledge, no.
 5 MR. KUO: Could you bring up Life After Hate
 6 Exhibit 57, please?
 7 MR. SCHULTIS: Your Honor, could you please --
 8 MR. KUO: Maybe it would be easier if I just do it --
 9 maybe not. That's fine.
 10 BY MR. KUO:
 11 Q So Mr. McAleer, this is an email from Mr. Picciolini to
 12 you. And both at the top of the document as well as below
 13 Mr. Picciolini's name there's -- there's a logo.
 14 Do you see that?
 15 A Yes.
 16 Q Mr. Picciolini created this logo, right?
 17 A That logo came out of Gravity Tank. We all contributed to
 18 the -- to the creative process by which we selected that one.
 19 Q The logo itself, who was the one who actually came up with
 20 that logo? And I'm asking for individual people's names.
 21 A I don't remember exactly which person it was. I think
 22 there was some logos contributed by Christian and other logos
 23 contributed by members of Gravity Tank, and we went through a
 24 selection process to refine down which one we -- refine down
 25 which one we would finally use.

1 Q So you don't know if Mr. Picciolini created the particular
 2 logo that I'm showing you now.
 3 A If I recall correctly from my experience during that
 4 creative process, we selected -- I think there was three
 5 options. Christian's was one. And we settled on I think one
 6 that wasn't Christian's. That's my -- the best of my
 7 recollection.
 8 Q But you don't know -- as you sit here today, you can't tell
 9 me that Mr. Picciolini did not create the logo that I'm showing
 10 you.
 11 A If I -- I'm sure if I went through and looked at the emails
 12 back and forth, I could make that determination.
 13 Q But you can't do it now.
 14 A I'm going to say the best of my recollection is that
 15 Gravity Tank staff created the final logo that you see there.
 16 MR. KUO: Could you bring up Life After Hate,
 17 Exhibit 37?
 18 BY MR. KUO:
 19 Q Mr. McAleer, do you recognize this document?
 20 A Yes, I do.
 21 Q And the logo that's shown, will you agree with me that's
 22 the same except for without the colors as the logo we had just
 23 discussed?
 24 A Yes, it is. That's the same logo that came out of the
 25 Gravity Tank creative process.

1 Q You also identified a Ms. Erin Wilson as someone who
 2 purportedly was confused by the ExitUSA redirection, correct?
 3 A They were confused by whether we were running the program
 4 or not.
 5 Q Yesterday, did you identify Ms. Erin Wilson as someone who
 6 was confused by way of the redirection of the "ExitUSA" domain
 7 name?
 8 A If that's what I said yesterday, then that's what I said.
 9 Q Is that true?
 10 A They came to me about the confusion about ExitUSA and
 11 Christian.
 12 Q Is it true that Ms. Steele was -- I'm sorry, that
 13 Ms. Wilson was confused by the redirection of the "ExitUSA"
 14 domain name?
 15 A I believe that to be true.
 16 Q Do you remember giving your deposition in this case?
 17 A Yeah.
 18 Q And didn't you testify there that she said nothing about
 19 the domain?
 20 A Right. She didn't say anything about the domain, but I
 21 believed that's why she was confused.
 22 Q But you don't know that. She didn't say anything about the
 23 domain. Right?
 24 A Correct.
 25 Q Let me ask you about the term -- about the trademark "Life

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McAleer - Cross by Kuo
 1 (Counsel conferring.)
 2 BY MR. KUO:
 3 Q I apologize for hopping around, but that's how it goes.
 4 Yesterday, I believe you testified about purport --
 5 purported actual confusion caused by the redirection of the
 6 "ExitUSA" domain.
 7 Do you recall that?
 8 A Yes.
 9 Q And yesterday I believe you identified a Ms. Brette Steele
 10 as someone who had expressed confusion?
 11 A Yes.
 12 Q Isn't it true during your deposition that you testified
 13 that Ms. Steele did not identify the "ExitUSA" domain name as
 14 the reason for any confusion?
 15 A No, she had said to me what was happening with the ExitUSA
 16 program, who was running ExitUSA.
 17 Q So she didn't say anything specifically about the domain
 18 name, correct?
 19 A She was someone who knew --
 20 Q Please answer my question.
 21 MS. SAPER: He's trying to.
 22 BY MR. KUO:
 23 Q Did she say anything specifically about the "ExitUSA"
 24 domain name?
 25 A I don't believe so.

451
McAleer - Cross by Kuo
 1 After Hate."
 2 The extremist groups that you worked to disentangle
 3 people from, those are often referred to as hate groups?
 4 A Yes.
 5 Q And part of the services that Life After Hate offers is to
 6 help them with their life after leaving those hate groups,
 7 correct?
 8 A And we help them leave. We do disengagement and
 9 deradicalization.
 10 Q And you also help them with their life after leaving the
 11 hate groups, right?
 12 A Through support and after-care, sure.
 13 Q You had testified today about ExitUSA.org, and in the past
 14 you said it pointed to Christian's -- Mr. Picciolini's website,
 15 correct?
 16 A Correct.
 17 Q Does it do it anymore?
 18 A No.
 19 Q And since when did it stop?
 20 A I believe since these proceedings began. I'm not sure
 21 exactly the date.
 22 Q Can you give me an approximate date?
 23 A January, December.
 24 Q But it's not going on now.
 25 A It's not going on now. It points to nothing right now, to

1 my knowledge.

2 Q Again, I apologize for hopping around.

3 Yesterday, I recall you testifying about a *New York*
4 *Times* article.

5 Do you recall that testimony?

6 A Yes.

7 Q And I think you said that it evidenced some confusion
8 between Mr. Picciolini and Life After Hate; is that right?

9 A No, I think it referred to as -- referred to one of the
10 reasons why we lost our funding.

11 Q Okay. We haven't seen that *New York Times* article in
12 evidence during these proceedings today, have we? Or over the
13 last couple days?

14 A I believe it's in production.

15 Q That's not my question.

16 My question is we have -- it hasn't been presented in
17 evidence, has it?

18 A No.

19 (Counsel conferring.)

20 MR. KUO: Nothing further, your Honor.

21 THE COURT: Okay. Redirect?

22 MS. SAPER: Yes, your Honor. He's got to get a plane,
23 so hopefully it will be ten minutes or less.

24 Okay. Tony -- I'll try to talk slowly, even though I
25 want to speak fast.

1 changed from Christian's name to your name in your capacity as
2 executive director of the organization; is that correct?

3 MR. KUO: Objection. Leading.

4 THE COURT: Okay. Sustained.

5 BY MS. SAPER:

6 Q Why was the -- why was it your signature and not
7 Christian's signature on the Strange Loop contract?

8 A Well, as it says here, Christian couldn't sign for it. The
9 organization had to sign for it. And as executive director of
10 the organization, I signed for it. And I believe there's
11 another email between me and Strange Loop --

12 Q Okay.

13 A -- correcting the first part.

14 Q Let's move on to the taglines and the Gravity Tank creative
15 process.

16 There was a lot of discussion about "No Judgment.
17 Just Help," the tagline; is that correct?

18 A That's correct.

19 Q The organization used "No Judgment. Just Help" to promote
20 its various services; is that correct?

21 A Yes, it did.

22 Q Did Christian Picciolini use "No Judgment. Just Help"
23 independently or as an individual during his time with Life
24 After Hate, the non-profit?

25 A No, all the collateral was through Life After Hate.

453 McAleer - Redirect by Saper

REDIRECT EXAMINATION

1 BY MS. SAPER:

2 Q Tony, we spent some time going over the Strange Loop
3 contract.

4 A Yes.

5 Q We -- you reiterated that the organization signed that
6 agreement.

7 A Yes.

8 Q The email that Mr. Picciolini sent to you saying "I'll put
9 down the down payment" was sent from his Life After Hate
10 account.

11 A Yes.

12 Q Did that account say he was board chairman and cofounder in
13 its signature?

14 A Yes, it did.

15 MS. SAPER: Do you have it --

16 THE COURT: You guys keep flipping back and forth.

17 Sorry.

18 Here you go.

19 BY MS. SAPER:

20 Q There was a lot of discussion about whether the contract
21 had changed. I wasn't sure the reason for that.

22 The contract was the same except to change it from
23 Christian Picciolini, the individual, who was not sanctioned to
24 create the videos for himself but for the organization, it was

455 McAleer - Redirect by Saper

1 Q Similarly, the organization used the logo and tagline that
2 Mr. Picciolini purportedly created, the two squares; is that
3 correct?

4 A Can you repeat the question?

5 Q Yes.

6 There was also discussion about the two interchanging
7 square logos.

8 A Yes.

9 Q Mr. Picciolini claims that he conceived of the first draft
10 of that logo; is that correct?

11 A Yes.

12 Q But Mr. Picciolini never used and was not authorized to use
13 those logos as himself, as Christian Picciolini; is that
14 correct?

15 MR. KUO: Objection, your Honor. Calls for legal
16 conclusion. Also leading.

17 THE COURT: Okay. Overruled.

18 You can answer the question to the best of your
19 knowledge.

20 BY MS. SAPER:

21 Q Only the organization used those logos; is that correct?

22 A That's right. As far as I'm aware, those logos were never
23 used outside of Life After Hate.

24 Q And only the organization used the tagline "No Judgment.
25 Just Help" --

McAleer - Redirect by Saper

1 A Until Christian left, I don't believe they were used
 2 outside of Life After Hate.

3 Q To your knowledge, would it have been a breach of fiduciary
 4 duty for Mr. Picciolini to hold himself out as or to use those
 5 logos and that tagline as an individual while he was board
 6 chairman of Life After Hate, the non-profit?

7 MR. KUO: Objection. Calls for legal conclusion.

8 Also leading.

9 THE COURT: Sustained.

10 BY MS. SAPER:

11 Q Would your organization have allowed any of the officers or
 12 even volunteers to use those logos independent of their
 13 association with Life After Hate, the Illinois non-profit?

14 MR. KUO: Objection. Calls for speculation.

15 THE COURT: Overruled.

16 BY THE WITNESS:

17 A As -- I mean, in my public life as a financial adviser,
 18 licensed financial adviser for 15 years, I know a little bit
 19 about fiduciary duty. And my understanding is as an officer,
 20 as a board member, all of that stuff, the prime obligation is
 21 to the organization and that those assets that were cocreated
 22 through that creative process became the property of Life After
 23 Hate, the organization.

24 BY MS. SAPER:

25 Q Okay. Counsel tried to impeach your testimony by relying

1 You answered: "It was a brief conversation, and it
 2 was what's happening with ExitUSA. Is it yours, is it
 3 Christian? And I said that we are still operating ExitUSA."

4 Later, they said: "And you described that she asked
 5 about the program."

6 And you said: "Well, in the conversation, it wasn't
 7 specified domain or program. It was what's happening with
 8 ExitUSA."

9 Does that sound accurate?

10 A That sounds accurate.

11 Q So she may not have asked -- you testified that she didn't
 12 ask about the domain name specifically, but you were consistent
 13 in testifying that the confusion was around the name "ExitUSA"
 14 and the program and who was currently owning it?

15 MR. KUO: Objection. Leading.

16 THE COURT: It's leading and also speculation. So
 17 sustained.

18 MS. SAPER: We'll go back, and I'll try to pull up the
 19 actual transcript. I don't have it handy.

20 BY MS. SAPER:

21 Q Finally, there was a mention of the *New York Times* article.

22 MS. SAPER: I don't know what exhibit that is.

23 BY MS. SAPER:

24 Q This is -- this is the *New York Times* article I believe you
 25 were referencing. It was dated August 15, 2017.

McAleer - Redirect by Saper

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1 on your deposition testimony.

2 Do you remember that?

3 A Yes.

4 Q Do you remember taking a deposition?

5 A Yes.

6 Q Okay.

7 MS. SAPER: You don't have a copy of the deposition?

8 MR. MONACO: (Shaking head.)

9 BY MS. SAPER:

10 Q I'm going to read from that deposition transcript to make
 11 sure we have the accurate statements as to what you said in
 12 that deposition.

13 You were asked: "ExitUSA.org, the domain name, did
 14 those government officials that you just spoke about talk to
 15 you about who owns the domain name?"

16 You answered: "The conversation was around the
 17 ExitUSA program and the confusion that the domain was pointing
 18 elsewhere."

19 Later, they asked you about Erin Wilson.

20 With respect to Erin Wilson again they said: "Please
 21 describe for me in more detail the conversation of what Brette
 22 Steele" -- I'm sorry. It would be easier if I had it to show
 23 you.

24 "To what Brette Steele told you regarding the
 25 confusion regarding the ExitUSA.org domain name."

McAleer - Redirect by Saper

1 Do you remember this article?

2 A Yes, I do.

3 Q Did you read this article?

4 A Yes, I did.

5 Q What is this article about?

6 MR. KUO: Objection. Hearsay.

7 THE COURT: Sustained.

8 BY MS. SAPER:

9 Q When you read the article, what did you think it was about?

10 MR. KUO: Objection. Hearsay.

11 THE COURT: Sustained.

12 BY MS. SAPER:

13 Q To your knowledge, was the article discussing the events
 14 that -- discussing the grant that Life After Hate received and
 15 then later did not receive, it was revoked?

16 MR. KUO: Objection. Hearsay.

17 THE COURT: Sustained.

18 BY MS. SAPER:

19 Q Does the article, to your knowledge, discuss the reasons
 20 for why the grant was revoked?

21 MR. KUO: Objection. Hearsay.

22 THE COURT: Sustained.

23 BY MS. SAPER:

24 Q What was your -- how did the organization react when
 25 articles like this hit -- hit the news stands?

1 A Particularly because so many people had invested so many
 2 planning the grant applications, we were pretty choked that --
 3 you know, it confirmed our -- what we -- we were choked that we
 4 put in all this effort and we were undermined by, you know,
 5 social media stuff and Trump. And there was -- there was many
 6 articles which inferred that, and conversations that I had with
 7 different people that -- that confirmed that, and Christian
 8 himself confirmed that. And it -- it put us in a horrible
 9 position with DHS to try and get further funding.

10 MS. SAPER: Okay. No further questions.

11 I want to get you on that plane.

12 THE COURT: Any recross?

13 MR. KUO: No, your Honor.

14 THE COURT: Okay. You can step down and be excused.
 15 (Witness excused.)

16 THE COURT: And do you have any other witnesses today?

17 MS. SAPER: Not today. Just Ms. King.

18 THE COURT: Any other witnesses from you?

19 MR. GEEKIE: Yes. We'd like to recall Mr. Picciolini
 20 regarding some testimony by Mr. McAleer.

21 THE COURT: Okay. Very well. Come on back up.
 22 (Approaching.)

23 THE COURT: Raise your right hand.

24 (Witness duly sworn and takes the stand.)

25 THE COURT: Have a seat.

1 Q In addition to the "Exit" name, what else do they have in
 2 common, if anything?

3 A They all perform exit services, which are disengagements
 4 and deradicalization.

5 Q Is that the same thing that ExitUSA does?

6 A Yes.

7 Q And there was some testimony about you deleting the ExitUSA
 8 site by Mr. McAleer.

9 Was Mr. McAleer's testimony truthful?

10 A I believe Mr. McAleer testified about the Life After Hate
 11 Facebook page.

12 Q I'm sorry. Okay.

13 A It was not accurate. I didn't have access to be able to
 14 delete it because I was deleted as an admin. on August 23rd,
 15 2016.

16 Q Okay.

17 A From all Life After Hate sites.

18 MR. KUO: Your Honor, can we have the VGA, please?

19 MR. GEEKIE: 26. Defendants' 26.

20 BY MR. GEEKIE:

21 Q And this is Defendants' Exhibit 26, Mr. Picciolini.

22 Can you identify this?

23 A This is an email I received on August 23rd with Facebook
 24 informing me that I was no longer an admin. of Life After Hate,
 25 that I had been removed. And that if I wanted access again, I

461 Picciolini - Direct by Geekie

1 CHRISTIAN PICCIOLINI, DEFENDANTS' WITNESS, SWORN
 2 DIRECT EXAMINATION

3 BY MR. GEEKIE:

4 Q Mr. Picciolini, Mr. McAleer was asked about the "No
 5 Judgment. Just Help" tagline.

6 Who created that?

7 A I did.

8 Q Did Mr. McAleer or anybody else from Life After Hate play a
 9 role in that?

10 A No.

11 Q Did anybody from Gravity Tank play a role in that?

12 A Not in "No Judgment. Just Help." They came up with
 13 several other taglines that we ended up refusing.

14 Q Okay. And there were some questions about common brands
 15 related to the "Exit" name and its use in other countries.

16 Are you familiar with the use of the "Exit" name in
 17 other countries?

18 A Yes.

19 Q How do you have that familiarity?

20 A I've worked as a partner to many of the Exit organizations
 21 around the world. I've advised some of them. I've also
 22 learned quite a bit and visited them on occasion. There is an
 23 Exit Germany or Deutschland. There's an Exit Sweden. Exit UK,
 24 which I helped establish. Exit Slovakia, which I established
 25 100 percent. And several others that are named "Exit."

463 Picciolini - Direct by Geekie

1 would have to ask one of the existing page admins., which I
 2 would assume were the remaining Life After Hate folks. And I
 3 didn't think I was hacked. I knew exactly what had happened.
 4 I was cut off from one of the access points where I was a
 5 lifeline to help people.

6 Q And this is as of August 23rd, 2017. Is that the day that
 7 you were let go or you ceased association with Life After Hate?

8 A Yes. That's correct.

9 Q And what did you understand when you were notified that you
 10 were no longer an administrator or an admin. on Life After
 11 Hate? What did you understand that to mean?

12 A I understood that to mean that I was no longer granted
 13 administrative privileges to make any changes whatsoever to any
 14 of the Life After Hate pages, including the Life After Hate
 15 private Formers Group, where we had about 65 individuals in
 16 that room that I had been solely counseling. And that was
 17 their only lifeline to me.

18 Q And with respect to that group, do you remember
 19 Mr. McAleer's testimony that you went into that group and
 20 caused some confusion or some events that caused people to
 21 leave the group?

22 A Yes, that's correct, I do remember that.

23 Q Was this what has been called the secret group?

24 A Yes.

25 Q Okay. What exactly did you do and why?

1 A I had woken up on the morning of October -- I'm sorry, of
 2 August 23rd, the day I was fired, and I had been blocked from
 3 my Life After Hate email.

4 I went into the private secret Formers page where--
 5 it was a room for kind of collective counseling of each other,
 6 myself included. And I posted in there to the people that I
 7 had -- that I had been counseling, almost all of them
 8 exclusively, that I had been cut off from my email and if they
 9 needed to contact me they could do so.

10 And then I received a flood of people who had messaged
 11 me on my private Facebook asking me what was going on, and they
 12 didn't understand why the only person that they were -- that
 13 they had any experience with or had met or had spoken to at
 14 Life After Hate suddenly wasn't there anymore during their
 15 healing process. And they asked to create another room, which
 16 I did.

17 Q And was your posting intended to harm Life After Hate, or
 18 to assist the people you had been working with?

19 A It was -- the last thing on my mind was to harm Life After
 20 Hate because I really believed in its mission.

21 My goal was simply, because that was the only line of
 22 communication I had to at least 60 people who it was critical
 23 that I stayed as a mentor to them, that they had a line of
 24 communication to me.

25 Q Okay. Now, let's talk briefly about the assertion that you

1 Q Okay. And has anybody with DHS or the federal government
 2 ever told you that your grant was rescinded because of tweets
 3 regarding President Trump?

4 A Never. The only time I saw it referenced outside of that
 5 *New York Times* article was on a Breitbart website.

6 Q There were some questions about, to Mr. McAleer, about you
 7 redirecting the ExitUSA site to Free Radicals.

8 I think your testimony the other day was that that was
 9 set up before you left, some of that redirection? Is that
 10 right?

11 A I'm not sure --

12 Q Okay.

13 A Tell me the websites again you're talking about?

14 Q When you direct -- when you directed to Free Radicals, why
 15 did you do that?

16 A Because there was no way for people who were critically
 17 seeking help to get ahold of me. And these were people I had
 18 already had maybe two years of work with, some who were brand
 19 new. And I had no access to my email. I didn't communicate
 20 with these people via personal email. It was just through my
 21 Life After Hate. And that was how I was going to make sure
 22 that these people didn't go out and hurt anybody else or hurt
 23 themselves.

24 Q Did you do that redirection to harm Life After Hate or
 25 ExitUSA?

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1 caused the loss of the DHS grant, although that occurred prior
 2 to your leaving.

3 Do you understand that in any way to relate to any
 4 alleged infringement by you?

5 A No. None at all.

6 Q Okay.

7 MR. GEEKIE: And could you turn to Defendant -- oh,
 8 I'm sorry, your Honor, I forgot. Defendants' Exhibit 26 that I
 9 just showed, which was the notice, move for admission.

10 THE COURT: It will be admitted.

11 (Said exhibit received in evidence.)

12 MR. GEEKIE: Now, Defendants' Exhibit 27. Can you
 13 turn to that, please?

14 BY MR. GEEKIE:

15 Q Do you recognize this document?

16 A Yes, I do. This is the document -- the official document
 17 that I received, only me, from the DHS person who was in charge
 18 of the program for the funding that Life After Hate was
 19 supposed to have received.

20 Q And what did it tell you?

21 A Paraphrasing, but pretty accurately, that they re-reviewed
 22 all of the grants, and that because of our previous track
 23 record with not having worked with enough law enforcement to
 24 implement prevention programs, they decided to rescind our
 25 funding. This was the official statement.

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1 A No. Never.

2 Q What was -- who -- were you trying to help people in doing
 3 that?

4 A Absolutely. My intention has always been to help people.
 5 I've never charged for my services. In fact, I pay out of my
 6 own pocket to travel around the world to do these
 7 interventions, to provide services for them, the same way that
 8 I helped many of the Life After Hate folks who I brought on,
 9 with groceries, with, you know, when they were in the hospital
 10 I sent flowers, and I paid salaries on some occasions.

11 Q Okay. Now, there were questions about Arno Michaelis and
 12 his renewed vigor in the anti-hate arena.

13 A Yes.

14 Q What is your understanding from -- do you keep abreast of
 15 people who actually act in the exit and the anti-hate area?

16 A Arno is one of my oldest friends, and I keep very close --
 17 I keep a very close eye on the industry, in general, so I am
 18 aware of the very small world of people who are doing exit
 19 programming. And Arno is, as part of his mission, is to -- is
 20 to help people disengage from hate, the same way that I used to
 21 do that at ExitUSA and the same way that I do it now.

22 And, in fact, I believe he's raising money currently
 23 for My Life After Hate, his disengagement program.

24 Q Okay. So you understand that he's actually competing with
 25 you and with Life After Hate.

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1 A Sure. I don't see it as competition. I think the more
 2 people doing this work, the better, because the world needs a
 3 little bit of help.

4 Q And is he seeking fundraising dollars to do that work?

5 A Yes. He currently has a fundraiser for My Life After Hate
 6 to raise money specifically for help disengaging people from
 7 hate.

8 Q Okay. Now, there were some questions about some of the --
 9 THE COURT: Do you have a problem?

10 MR. GROTHOUSE: Your Honor, sorry to interrupt.
 11 If Mr. Picciolini can check the stand real quick to
 12 see if there's a passport.

13 THE COURT: Oh, did he lose his passport?

14 MR. GROTHOUSE: Yes.

15 (Counsel conferring.)

16 THE COURT: Did you look under that table?

17 THE WITNESS: He was sitting over here, too.

18 THE COURT: Oh, he sat over there for a moment?

19 (Pause in proceedings.)

20 THE COURT: Did he use it to enter the building?

21 MS. SAPER: I remember they took it from him to check
 22 his ID.

23 MR. GROTHOUSE: And they gave it back.

24 THE COURT: Why don't you run down to the front desk
 25 and see if they have had anyone turn it in. Okay?

1 October 24th, 2017. It's a cease and desist letter.

2 Q Have you seen this document before?

3 A I have.

4 Q Was it sent by your attorneys at your instruction?

5 A Yes.

6 Q And what was your understanding of what this document was
 7 being used to do or to say on your behalf?

8 A I had created a lot of intellectual property during my time
 9 while I was at Life After Hate. But I created that in a
 10 personal capacity. I licensed those works like the logo, the
 11 website, the videos, the copy that I wrote, the tagline, as a
 12 free license, you know, never assuming that I would be
 13 terminated from the organization that I founded. I always just
 14 assumed that they were mine, that they were -- that they didn't
 15 belong to the organization. I was always changing things. I
 16 designed the website, chose the colors, hand-designed the
 17 logos, wrote the copy. The only thing I didn't write or do for
 18 Life After Hate was write the bios of people, although I did
 19 tweak them because the ones they provided me were usually not
 20 very good.

21 Q And was this letter also intended to tell Life After Hate
 22 anything about the fundraising video that you had prepared?

23 A Yes. I had created a fundraising video for our Public Good
 24 campaign where I was the only face of the video asking for
 25 money for my organization. That was used in September of --

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1 Thank you, Hannah.

2 Was he in the witness room?

3 MS. SAPER: Not today.

4 THE WITNESS: I did see him in there earlier, I think.
 5 You may want to check.

6 (Pause in proceedings.)

7 THE COURT: Let's take a five-minute break. I'll make
 8 a call for him, okay?

9 MS. SAPER: Thank you so much.

10 (Recess taken from 12:14 p.m. to 12:19 p.m.)

11 (Proceedings heard in open court:)

12 THE COURT: All set.

13 Now I'll repeat the question if you want.

14 MR. GEEKIE: I don't need that, Judge, because I just
 15 started with a new document.

16 THE COURT: Okay, excellent.

17 MR. GEEKIE: Defendants' Exhibit 7.

18 But thank you.

19 BY MR. GEEKIE:

20 Q Okay. Mr. Picciolini, we've now turned to Defendants'
 21 Exhibit 7.

22 Could you identify this document, please?

23 A Yes. This is a document -- thank you -- this is a document
 24 from my law -- the law firm that represents me to Life After
 25 Hate informing them of their infringement of my rights

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1 I'm sorry, in August of 2017 before I was terminated from the
 2 group. The organization was continuing to use that video for a
 3 month with me asking for money for Life After Hate a month
 4 after I had been terminated. And it -- that was creating a ton
 5 of confusion. And, you know, it wasn't until we asked them to
 6 remove that video that they actually did. And I believe that
 7 they collected, you know, close to \$850,000 because of me
 8 asking for that money, which many people believed that they
 9 were donating to me.

10 Q Thank you.

11 MR. GEEKIE: And now, your Honor, I'd like to move for
 12 the admission of Defendants' Exhibit 7.

13 THE COURT: It will be admitted.

14 (Said exhibit received in evidence.)

15 MR. GEEKIE: Defendants' 9, please.

16 BY MR. GEEKIE:

17 Q Defendants' Number 9, could you look at that and if -- and
 18 tell me if you've seen this before.

19 A Yes, I recognize this. This is also a letter from my
 20 attorney to Attorney Sipchen -- Sipchen -- sorry if I pronounce
 21 that wrong -- also stipulating what my intellectual property
 22 was that they were illegally using.

23 Q And was this letter sent at your instruction?

24 A Yes, it was.

25 Q And did you see it after it was sent?

1 A I did. It includes the domain name, both
 2 LifeAfterHate.org, ExitUSA.org, the word mark, the logo, and
 3 stylized mark, et cetera.

4 Q Hold on, hold on.

5 MR. GEEKIE: Could you turn to page 2?

6 BY MR. GEEKIE:

7 Q Now, there's a list of 11 items.

8 Do you have an understanding of what that list is?

9 A Yes.

10 Q What is it?

11 A So this outlines all my -- the property that I owned and
 12 created and paid for. The "Oak Creek" PSA video. The "There
 13 is Life After Hate" video. "The Formers" video. The Life
 14 After Hate website, which I designed. The "ExitUSA" trademark.

15 They were also continuing to use my voice and my
 16 likeness to ask for fundraising to -- to continue with their
 17 promotion materials used in all three of those videos above,
 18 including the fundraising video.

19 I also believed all the passwords to the accounts that
 20 were mine and not the organization's belonged to me, as well as
 21 all the social media accounts for ExitUSA and ExitCanada,
 22 ExitCanada being another domain name that I purchased. And
 23 then all the information and corporate paperwork, including all
 24 my private contacts to my intervention subjects.

25 Q And are you aware of Life After Hate ever responding by

1 forgot to move for the admission of 27.

2 THE COURT: Okay. It will be admitted.

3 (Said exhibit received in evidence.)

4 BY MR. GEEKIE:

5 Q And, Mr. Picciolini, one other important thing about this
 6 allegation that your tweets caused the loss of the grant.

7 Did you happen to see a new show this weekend
 8 regarding this issue?

9 A My wife and I --

10 Q Did you see?

11 A Yes.

12 Q And what show did you see?

13 A My wife and I always watch *Meet The Press* on Sunday.

14 Q Is that the show you saw?

15 A Yes. *Meet The Press* is a show that I saw this Sunday.

16 Q Okay. And who was on it?

17 A Chuck -- I forgot his last name -- was interviewing Jeh
 18 Johnson, the former Secretary of the Department of Homeland
 19 Security. And in that interview --

20 Q And did Mr. Johnson discuss grants related to domestic
 21 terrorism?

22 A Yes, he did.

23 MS. SAPER: Objection. Hearsay.

24 THE COURT: It's going to be hearsay if you go any
 25 further.

1 letter or other writing denying your claims of the ownership of
 2 this intellectual property?

3 A To my knowledge, they never replied.

4 Q Okay. Now, going down to the last -- second-to-last
 5 paragraph or maybe third-to-the-last, but it begins, "In hopes
 6 of resolving this dispute."

7 A Yes.

8 Q Was a proposal made in this dispute to resolve this?

9 A Yes. This would have been, you know, maybe the first of
 10 four or five attempts for me to try and amicably settle and
 11 keep the mission going.

12 Q Did you again propose a joint statement announcing or
 13 disclosing your separation from Life After Hate?

14 A Yes. Again, many times.

15 Q Did Life After Hate agree to issue any kind of a
 16 declaration or statement?

17 A No. They flat-out refused, including the day after I was
 18 terminated was the first time I believe I asked for that.

19 MR. GEEKIE: And move for the admission of Defendants'
 20 Exhibit 9, your Honor.

21 THE COURT: Okay. It will be admitted.

22 (Said exhibit received in evidence.)

23 MR. GEEKIE: And if we could go back to Defendants'
 24 Exhibit 27. I don't need it pulled up. But, your Honor,
 25 that's the grant email that Mr. Picciolini testified to. I

1 MR. GEEKIE: It's not, though, yet, Judge.

2 THE COURT: Okay. Not yet.

3 (Laughter.)

4 BY MR. GEEKIE:

5 Q And did Mr. Johnson say anything that would --

6 MS. SAPER: Objection, your Honor. Hearsay.

7 THE COURT: Finish the sentence.

8 BY MR. GEEKIE:

9 Q Did Mr. Johnson say anything that would contradict
 10 Exhibit 27?

11 THE COURT: Sustained. It calls for a hearsay answer.

12 MR. GEEKIE: Move -- oh, I moved for admission of 9.

13 THE COURT: Is that what you just had on there?

14 MR. GEEKIE: Yes, your Honor, 9.

15 THE COURT: The grant program? We already moved that
 16 in.

17 MR. GEEKIE: Thank you.

18 Defendants' Exhibit 28, please.

19 Actually, you know what? I'm sorry. Can you pull up
 20 Life After Hate Number 5?

21 Okay. First page. This is Life After Hate Exhibit 5.

22 BY MR. GEEKIE:

23 Q In the first page and the first sentence -- are you
 24 familiar with this document?

25 A Yes.

1 Q And is this the document that you asked Mr. McAleer to
 2 sign?
 3 A Yes. I believe so.
 4 Q And who did you understand the contracting client under
 5 this contract to be?
 6 A I was the person who created the intellectual property.
 7 Q Okay. And was this contract signed to create the video, or
 8 do post-production work regarding the video?
 9 A Just post-production work on the video.
 10 Q And who did all the pre-production work on the video?
 11 A I did.
 12 Q Who paid for all the pre-production work?
 13 A I did.
 14 Q Who paid for the production work on the video?
 15 A I did.
 16 Q And who has that video copyrighted?
 17 A I do.
 18 MR. GEEKIE: Now, could we turn to Defendants' Exhibit
 19 28?
 20 BY MR. GEEKIE:
 21 Q This is Defendants' Exhibit 28.
 22 Can you identify this?
 23 A Yes. This is my down payment for the post-production work
 24 on the video.
 25 Q And is this -- is that your signature, your internet

1 not regarding the hacking of a website, but it was -- the word
 2 "hacking" was not used with respect to the Facebook page.
 3 THE COURT: Okay. All right. So --
 4 MS. SAPER: Mischaracterizes testimony.
 5 THE COURT: Okay. There's the objection. Okay.
 6 Sustained.
 7 BY MR. GEEKIE:
 8 Q Okay. What did you understand Mr. McAleer's testimony to
 9 be?
 10 A Well, I understood it and I heard it to say that I hacked
 11 the Life After Hate Facebook page, which I did not, because I
 12 didn't have access to it. And that's another one of the many
 13 lies that Mr. McAleer and the others have said about me.
 14 Q Have you ever hacked any page?
 15 A I wouldn't know how to hack a page, so the answer is no.
 16 Q And would you ever hack a page?
 17 A No. It's completely illegal. It goes against what I
 18 believe in. And it's not something I would ever consider
 19 doing.
 20 Q Did you hear Mr. McAleer or Mr. Rangel talk about speaking
 21 to the FBI about your alleged hacking?
 22 A Yes, I heard -- I heard them say that they had gone to the
 23 FBI about -- you know, claiming that I had hacked their
 24 Facebook page.
 25 Q Now, you've worked with the FBI, correct?

1 signature at the bottom?
 2 A Yes, that's my digital signature.
 3 Q And this is with Strange Loop?
 4 A Correct.
 5 Q And what does this reflect?
 6 A This reflects a \$1,000 down payment from my personal credit
 7 card to pay for post-production services.
 8 MR. GEEKIE: Move for the admission of Defendants' 28,
 9 your Honor.

10 THE COURT: Well, I can admit it, but it's going to
 11 have to be redacted pursuant to current court rules because of
 12 his personal identifiers on there. Okay?

13 So the testimony will stand and then you're going to
 14 have to redact that.

15 MR. GEEKIE: Thank you, Judge. I apologize for that.
 16 THE COURT: That's all right.

17 (Said exhibit received in evidence.)

18 BY MR. GEEKIE:

19 Q So who paid for the post-production work by Strange Loop?
 20 A I did personally.
 21 Q There was testimony by Mr. McAleer about what he claimed to
 22 be hacking by you of the website. I think he was claiming that
 23 was hacking related to ExitUSA on Giving, what is it -- Giving
 24 Wednesday or Tuesday?

25 MS. SAPER: Objection, your Honor. The testimony was

1 A Extensively, yes.
 2 Q Has the FBI ever contacted you about this alleged hacking?
 3 A No. Never.
 4 Q Have you ever seen any report of any alleged hacking by
 5 you?
 6 A I have not. No.
 7 Q Before you heard the testimony here in court about this
 8 alleged hacking, had you ever heard of that before?
 9 A No, I had not.
 10 MR. GEEKIE: Defendants' Exhibit 25, please.
 11 BY MR. GEEKIE:
 12 Q There are two pages here on Defendants' Exhibit 25. I'll
 13 show you the first page.
 14 And if you look at it, then let me go to the second
 15 page after you've had a chance to look at it --
 16 A Sure.
 17 Q -- familiarize yourself with it.
 18 A I'm very familiar with it.
 19 Q Okay.
 20 MR. GEEKIE: Then the next page, please?
 21 BY MR. GEEKIE:
 22 Q Okay. Have you had a chance to look at these two pages?
 23 A Yes.
 24 Q And are you familiar with these?
 25 A Very much so, yes.

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1 Q And what are these?
 2 A This is the original website for Life After Hate that Arno
 3 and I launched in -- we tested it in December 2009, and you can
 4 see that by the date in the URL when it was live. And then
 5 launched it live officially I believe a month later, in January
 6 2010.

7 And what this website says is --

8 Q Can you wait?

9 A Sure. Sorry.

10 Q Let me ask you this.

11 Do you remember hearing Mr. McAleer's testimony that
 12 you weren't one of the cofounders of Life After Hate?

13 A Yes. I heard Mr. McAleer's testimony and also Mr. Rangel's
 14 testimony saying that.

15 Q Was that true?

16 A It was absolutely false.

17 Q And looking at the second page, it's on the screen now, the
 18 second page of this exhibit, do you understand a date that this
 19 page is from?

20 A Yes. In the URL, it states that the page is from 2009,
 21 December 4th.

22 Q And is that before Life After Hate was even incorporated?

23 A Yes.

24 Q And does this page at anywhere state who the founders of
 25 Life After -- excuse me -- Life After Hate are?

1 THE COURT: Right, so the objection was to the hearsay
 2 earlier when he was eliciting all of the hearsay on the page,
 3 so his testimony about being the founder and starting this page
 4 is fine. I'm going to move the document into evidence but the
 5 objection was a missed objection going forward.

6 (Said exhibit received in evidence.)

7 THE COURT: Go ahead.

8 BY MR. GEEKIE:

9 Q And, finally, let's talk about the videos.

10 You heard Mr. Rangel -- Mr. McAleer's testimony about
 11 these videos, right?

12 A Yes.

13 Q There was some testimony. Did you hear him say that videos
 14 were commissioned by Life After Hate?

15 A Yes.

16 Q Was that truthful testimony?

17 A It was absolutely not.

18 Q Did Life After Hate commission any videos?

19 A No.

20 Q Did they commission or pay for any of the videos you hold a
 21 copyright in?

22 A No. I -- I own the copyright in three of the four videos
 23 that made -- I don't know if the fourth one that Mr. McAleer
 24 was in charge of was commissioned, but I certainly know that
 25 the three that I developed were not.

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1 A Yes, in the second paragraph.

2 Q And who does it say the founders are?

3 A Arno Michaelis and Christian Picciolini.

4 Q Does it say anybody else?

5 A No.

6 MR. GEEKIE: Okay. Could we go to the first page?

7 BY MR. GEEKIE:

8 Q And then did you say this is also a Life After Hate page?

9 A Yes. This is the page that actually went live that we --
 10 that Life After Hate launched and me and Arno launched.

11 Q And are you familiar with this page then?

12 A Yes.

13 Q When is this page from?

14 A This page appears to be from October 2010.

15 Q And who does -- what -- who does it identify as the
 16 founders of Life After Hate?

17 A I believe it's the same copy that identifies Mr. Michaelis
 18 and Christian Picciolini, which is me, as the original and only
 19 founders of Life After Hate.

20 MR. GEEKIE: Move for the admission of Defendants'
 21 Exhibit 25, your Honor.

22 MS. SAPER: Objection, your Honor, to the extent
 23 that -- the document speaks for itself. And to the extent
 24 Mr. Picciolini is prescribing some sort of different meaning to
 25 what the words say, we object.

1 MS. SAPER: Objection, your Honor. It
 2 mischaracterizes Mr. McAleer's testimony.

3 THE COURT: You'll have to redirect then.

4 BY MR. GEEKIE:

5 Q Did Mr. McAleer play any role in developing these videos?

6 A Not in the three videos that I have a copyright in. He
 7 played zero role in those.

8 Q And these videos that were finally created, when were they
 9 actually put on film or video?

10 A They were put on film, recorded, edited, before we had any
 11 interaction with the Institute for Strategic Dialogue about the
 12 program --

13 Q Could you give me a year, please?

14 A I would say it was, I believe, 2014.

15 Q Okay. And then the concept of these videos, when you come
 16 up with a video idea --

17 A Right.

18 Q -- is there a term for that, thinking of that?

19 A Yes, it's called a treatment. It's a summary of the video.

20 Q Okay. That's part of the creative process?

21 A Yes.

22 Q And who created the treatment for the three videos you have
 23 copyrights in?

24 A I did.

25 Q And when did you create those treatments?

1 A 2011.

2 MR. GEEKIE: Now, could we have Life After Hate 12,
3 please?

4 THE COURT: How much longer do you have?

5 MR. GEEKIE: Two minutes, Judge.

6 THE COURT: Okay.

7 MR. GEEKIE: And can we go to the page that has the
8 pictures of the videos? I don't recall exactly what page that
9 is. I shouldn't -- that's it.

10 BY MR. GEEKIE:

11 Q Okay. Now, can you identify what is shown on this page?

12 A Yes. The top video is a video that Mr. McAleer was in
13 charge of with a company in Canada. And the next three videos,
14 titled "There is Life After Hate," "Oak Creek," and "The
15 Formers," are three videos that I conceived and produced, yes.

16 Q Okay. And are these the three videos -- "There is Life
17 After Hate," "Oak Creek," and "The Formers" -- that you have
18 copyrights in?

19 A Correct.

20 Q And I should have asked you to identify this document.

21 But the first page, this is the Institute -- Institute
22 for Strategic Dialogue, I believe?

23 A Yes. This is a document -- a proposal from the Institute
24 for Strategic Dialogue where they're proposing partnering with
25 Life After Hate to do a video counter-narrative campaign. This

1 is that a picture from the video?

2 A Yes, it is. It's a still from the video.

3 Q Okay. And how old was that video when this document from
4 the Institute for Strategic Dialogue was created?

5 A At least a year or two old.

6 Q Same question about "The Formers." Your copyright?

7 A Yes.

8 Q Picture? Is that a picture from the video?

9 A Yes. That's a still from the video itself.

10 Q And how old was that video when this document was created?

11 A All three videos were created at the same time, so that
12 would also be at least one or two years old.

13 Q And there was the implication -- did you understand there
14 to be an implication by Mr. McAleer that the Institute for
15 Strategic Dialogue was going to pay for these videos?

16 A I never understood that because I paid for them out of my
17 pocket, and I never received a penny for them or any sort of an
18 agreement.

19 Q Did the Institute for Strategic Dialogue ever pay you any
20 money for these videos?

21 A No, they did not.

22 Q Did the Institute for Strategic Dialogue contribute in any
23 way to the creation of the videos?

24 A No, they did not.

25 Q Now, these videos, and especially the "There is Life After

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1 document is from 2016. These videos were created well before
2 that.

3 Q Okay. And that was my next set of questions.

4 Mr. -- did you hear Mr. McAleer testify about this
5 document and these videos?

6 A Yes.

7 Q Did you understand him to be testifying that the Institute
8 for Strategic Dialogue was proposing to fund these videos in
9 this document?

10 A Yes. I heard him lie about that.

11 Q And was his testimony accurate?

12 A No, it was not.

13 Q And when you look at these -- you just said these videos
14 had already been created. Where -- "There is Life After Hate,"
15 do you see the picture there?

16 A Yes.

17 Q What's that picture of?

18 A That is a still from the actual video.

19 Q Okay. And how old was that video at the time this document
20 was received?

21 A I believe it was 2014 or 2015.

22 Q So a year or two old.

23 A Yes. A year or two old before this document was created,
24 yes.

25 Q "Oak Creek." Another copyrighted video of yours. What --

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1 "Hate" video that you have up on the Free Radicals page, are
2 those used for a purpose or a reason?

3 A They're used to reach people who might be seeking help or
4 who might not even know that they're seeking help to disengage
5 from hate groups, hate and bias-based violence. And these live
6 on the internet where most people are being radicalized, so
7 it's very important that they exist because it's often their
8 only lifeline to find out about my work.

9 Q And if you are prohibited from using these three videos
10 that you have a copyright in, would it impact or harm your work
11 to help people leave extremist groups?

12 A Yes. Not only would it impact and harm my work, but I
13 believe it would impact and harm the world in very negative
14 ways.

15 MR. GEEKIE: Okay. No more questions.

16 THE COURT: Okay. Before you do a cross, I have a
17 matter to take up, criminally.

18 So I'm going to ask if you would please step down for
19 a moment.

20 THE WITNESS: Sure.

21 THE COURT: And we'll switch players here. And call
22 that criminal matter, please.

23 (Witness exits stand.)

24 (Judge Kendall attends to other matters.)

25 (Proceedings heard in open court:)

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1 THE COURT: Can the witness take the stand again,
 2 please?

3 (Witness resumes the stand.)

4 THE COURT: Sir, you're still under oath. Do you
 5 understand that?

6 THE WITNESS: Yes.

7 THE COURT: Okay. Thank you.

8 Hang on just a second.

9 Okay. There you go.

10 CROSS-EXAMINATION

11 BY MS. SAPER:

12 Q Okay. Mr. Picciolini, you just went through describing
 13 what the LifeAfterHate.org website looked like in December of
 14 2009; is that correct?

15 A Correct.

16 Q However, earlier you testified -- and I introduced into
 17 evidence Life After Hate Exhibit 13.

18 Do you remember Exhibit 13?

19 A I don't. I need to see it again.

20 Q I'll remind you.

21 I'm showing you an email exchange that began on
 22 Sunday, November 29th, 2009 at 9:44 between Arno Michaelis
 23 and I believe you were cc'd on that email since you replied to
 24 it. Is that accurate?

25 A Yes. I actually didn't know this was 13; but, yes, I do

1 Q Your counsel asked you -- actually, you testified that on
 2 August 23rd, Life After Hate cut you off from the Life After
 3 Hate Facebook page; is that correct?

4 A Yes.

5 Q And you submitted an exhibit to that effect showing the
 6 email you received stating that you were no longer -- you no
 7 longer had access to that Facebook page; is that correct?

8 A Yes, I don't believe -- I don't remember if it was an email
 9 or an actual screen-grab from Facebook. I believe it was an
 10 actual screen-grab from Facebook.

11 Q However, you remember giving a deposition in this case.

12 A Yes, I do.

13 Q And, actually, before even that, you remember your
 14 testimony from I believe Friday afternoon where we discussed
 15 your disabling or deleting of the Facebook page, don't you?

16 A Yes. I believe I called it unlinking. You called it
 17 deleting.

18 Q Unlinking. So that unlinking, you testified you did that
 19 unlinking, correct?

20 A Yes. So even though a page that I'm removed as an admin.,
 21 I can still see that page. Being removed as an admin. removes
 22 my administrative privileges to make changes on it, but I can
 23 still see it attached to my account. So when I unlinked from
 24 it, it was as if I was unsubscribing from its content. So
 25 that's what I testified to.

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1 recognize this.

2 Q Okay. And in that email, Mr. Michaelis has stated, "I want
 3 to get something up at LifeAfterHate.org in place of the
 4 placeholder currently there. What does everyone think of
 5 this?"

6 And then the URL is ArnoArr4.com\LAHtest.

7 He then says, "As you can see, it's on a different web
 8 server and will remain until I get a go-ahead consensus,
 9 especially from those mentioned specifically, Chris, Dimitry,
 10 Angie, and Tamara."

11 There were other people helping Mr. Michaelis create
 12 and develop his online publication in November of 2009; is that
 13 correct?

14 A There were some other people, including Dimitry, Angie
 15 Aker, and Tamara Westfall, who were providing some of the
 16 literary content, yes.

17 Q And then you respond to Mr. Michaelis, very adamantly, you
 18 said, "Arno, I think the page looks great, and I love the
 19 painting. Where is your name and plug? You," in capital
 20 letters, "are spearheading this effort, not me."

21 Do you remember writing that?

22 A I do, but I was referencing the website.

23 Q Okay. Moving on, Mr. --

24 (Counsel conferring.)

25 BY MS. SAPER:

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1 Q That wasn't your testimony at your deposition.

2 At your deposition -- which the deposition took place
 3 on February 8th; is that correct?

4 A I believe so, yes.

5 Q Okay. I'm going to direct you to page 177 of your
 6 deposition where I asked:

7 "Did you contact Facebook regarding the Life After
 8 Hate Facebook page in November of 2017?"

9 You responded: "In what regard?"

10 I asked: "Did you disable the page?"

11 You responded: "If I recall correctly, it was tied to
 12 my personal account, because that's how Facebook pages work.
 13 And I think I went through and deleted a bunch of pages."

14 That's your testimony. That's what you said. Right?

15 A Yes, but what I meant there was -- was deleting my link to
 16 those pages, not actually deleting the physical pages. I
 17 deleted my connection to those pages.

18 MS. SAPER: No further questions.

19 THE COURT: Okay. Anything else on that?

20 MR. GEEKIE: No.

21 THE COURT: Okay, great. Then you can step down.

22 THE WITNESS: Thank you, your Honor.

23 (Witness excused.)

24 THE COURT: Do you want to call any other witnesses?

25 MR. GEEKIE: No, Judge.

1 THE COURT: Okay. Well, then let's discuss getting
 2 you a transcript and then filing a supplemental brief, if
 3 that's the way you would like to do it, so you can use the
 4 testimony. Is that appropriate?

5 MS. SAPER: Yes, your Honor. I just -- perhaps I need
 6 some clarification what you would like that format to look,
 7 since I don't think you want us to rehash the reply or all the
 8 briefs that have already --

9 THE COURT: Right, so it can be like findings of fact
 10 and rulings of law in a bench trial, if you would like.

11 Thanks, Nicole. Appreciate it.

12 Okay. So, I mean, it's up to you. You don't have to
 13 do it. I'm just offering it to you.

14 Sometimes people like the transcript and they like to
 15 use the answers in order to supplement, so you can just -- it's
 16 a supplemental brief. It's up to you.

17 MR. GEEKIE: Makes sense --

18 THE COURT: They're filed at the same time.

19 MS. SAPER: And then just ignore -- I apologize for my
 20 ignorance. I've never done a video deposition after a trial.
 21 How will that work when we're presenting documents and there
 22 may be objection to being hearsay -- who will be the arbiter of
 23 that --

24 THE COURT: I am, of course. And so it's a
 25 preliminary injunction hearing. So you all are going to depose

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 1 this individual. And then if there's objections about what has
 2 to be put into evidence, I make those objections -- I rule on
 3 those objections. Hopefully, you will be able to agree on what
 4 I get to hear and you'll just submit it to me, and I will have
 5 the transcript and/or the video, and it will be as if she was
 6 sitting here. So I won't be doing anything more than that,
 7 just adding another witness to your picture.

8 MS. SAPER: Again, I'm sorry. But -- so we'll draft
 9 the supplemental briefing, and we'll --

10 THE COURT: Well, you can't until she's done.

11 MS. SAPER: Right. Will we -- will we give you the
 12 testimony as part of that briefing? Or will we submit that to
 13 you --

14 THE COURT: It would have to be prior to it because
 15 it's part of the testimony. So I don't know when you're going
 16 down there, what you're doing.

17 MS. SAPER: Which was another question.

18 I believe your prior ruling said by March 1st, which
 19 is this Friday. We may practically need to extend that,
 20 just -- unless we can in the next two days arrange for that
 21 video deposition.

22 THE COURT: All right. So, gentlemen, when are you
 23 going to go interview this woman?

24 MR. GEEKIE: Your Honor, we -- this is the first that
 25 it's been raised with us. We haven't discussed --

1 THE COURT: Well, you know it's not the first that
 2 it's been raised --

3 MR. GEEKIE: We don't need -- we don't need to depose
 4 her. She's not our witness.

5 THE COURT: Okay. But then you're going to let her
 6 depose her by herself? No, you're going to go down there --

7 MR. GEEKIE: Well, no -- well, she opposed us making a
 8 trip to --

9 THE COURT: Oh, I am not going to give this ruling for
 10 the fifth time. I've ordered the deposition. I've allowed her
 11 to depose her. And if you want to let her go down there and
 12 depose her all by herself without you being there to
 13 cross-examine, that's your waiver. If you want to get down
 14 there and cross-examine the deposition is allowed as testimony
 15 in this preliminary injunction hearing. That's what I've ruled
 16 on.

17 MR. GEEKIE: Then if she tells us available dates of
 18 Ms. King and she wants to depose her, we'll attend to
 19 cross-examine Ms. King.

20 THE COURT: Well, that's what a deposition -- you do
 21 when you have a deposition, right?

22 MR. GEEKIE: Well, your Honor, we could be taking the
 23 deposition and taking her direct testimony as a hostile
 24 witness.

25 But I think Ms. Saper wants to present and preserve

1 this individual. And then if there's objections about what has
 2 to be put into evidence, I make those objections -- I rule on
 3 those objections. Hopefully, you will be able to agree on what
 4 I get to hear and you'll just submit it to me, and I will have
 5 the transcript and/or the video, and it will be as if she was
 6 sitting here. So I won't be doing anything more than that,
 7 just adding another witness to your picture.

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 9 the supplemental briefing, and we'll --

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 12 testimony as part of that briefing? Or will we submit that to
 13 you --

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 15 it's part of the testimony. So I don't know when you're going
 16 down there, what you're doing.

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 19 is this Friday. We may practically need to extend that,
 20 just -- unless we can in the next two days arrange for that
 21 video deposition.

22 THE COURT: All right. So, gentlemen, when are you
 23 going to go interview this woman?

24 MR. GEEKIE: Your Honor, we -- this is the first that
 25 it's been raised with us. We haven't discussed --

1 her testimony.

2 We don't need her -- we don't bear the burden of proof
 3 here, your Honor.

4 THE COURT: But she is calling her as a witness, and
 5 I've permitted it. If someone in your litigation life is
 6 calling someone as a witness, don't you want to be there for
 7 the deposition?

8 MR. GEEKIE: Sure, yes.

9 THE COURT: Right.

10 MR. KUO: Your Honor, basically this is an evidentiary
 11 deposition --

12 THE COURT: It is.

13 MR. KUO: So that's what --

14 THE COURT: It is.

15 MR. KUO: If they notice it up, we will -- we will
 16 cross-examine as necessary.

17 THE COURT: Oh, my goodness.

18 Okay. The deposition shall be completed by
 19 March 22nd.

20 And then any supplemental briefs shall be filed to the
 21 Court by April 19th.

22 And I'm sure you'll get a transcript probably by then,
 23 right? By the March 22nd date maybe, right, Lynn -- or Gayle?

24 COURT REPORTER: Yes, Judge.

25 THE COURT: Right. So you'll have it by the time you

1 even depose her.

2 But then you will sit and talk about what part of the
3 deposition I get to take into account as evidence. And if you
4 fight over it, then you have to submit competing portions of
5 the transcripts as if you were going to trial.

6 MR. KUO: With respect to the submission of the
7 findings of fact and law, however it's styled, the supplemental
8 briefing, is there -- is it just a supplemental briefing? Is
9 there a reply or anything like that?

10 THE COURT: No.

11 MR. KUO: Okay.

12 THE COURT: Just supplemental briefing. You've
13 already had your back-and-forth. All you need to do now is if
14 something wonderful came out of this testimony and you want to
15 highlight it as far as what you've briefed, it's a supplemental
16 brief, and you'll have the transcript.

17 MR. KUO: Thank you.

18 THE COURT: Okay? Anything else?

19 MR. GROTHOUSE: Yes, just to clarify, your Honor.

20 THE COURT: Oh, my goodness. Okay.

21 MR. GROTHOUSE: You did order the deposition to occur
22 by video conference, and I just wanted to make sure that that
23 was still happening.

24 THE COURT: I ordered that you could have her not come
25 here. So you can do it down there -- whatever is the

1 And I gave you your deadline, so March 22nd. Okay?
2 All right. Do you want to do any closing arguments
3 today?

4 MR. KUO: No, your Honor, not today.

5 THE COURT: Do you want to do them ever? Or you just
6 want to let your supplemental brief be the exhibit?

7 MR. KUO: That last bit.

8 THE COURT: Okay.

9 MS. SAPER: Mr. Grothouse might --

10 (Counsel conferring.)

11 MS. SAPER: If we give one today, are we precluded
12 from giving another one later?

13 THE COURT: Why would you -- do you want to do one
14 after you submit your supplemental briefs?

15 MS. SAPER: Yeah, I think so. And then we'll include
16 Ms. King's testimony as part of our --

17 THE COURT: Fine. We'll do that. We'll do that.
18 Okay?

19 So when did I give -- did you get those briefing
20 dates?

21 MR. KUO: April 19, I believe?

22 THE COURT: Was when they were to be filed? Okay.

23 MR. KUO: I think that's correct.

24 THE COURT: Yes, I think that's right. Okay.

25 So then let's take a look at the calendar. I'll be on

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1 appropriate way for her health to be taken into account.

2 So what is the problem with her? And what are we
3 doing now? What am I rehashing now?

4 MR. GROTHOUSE: Well, your Honor --

5 THE COURT: I'll tell you what. Let's take a break.
6 Talk about the video deposition. And I'll be back in a few
7 minutes. And let's see if you can agree on something. That's
8 what lawyers do.

9 LAW CLERK: All rise. Court will take a brief recess.

10 (Recess taken from 1:15 p.m. to 1:25 p.m.)

11 (Proceedings heard in open court:)

12 */s/ GAYLE A. MCGUIGAN* March 6, 2019

13 Gayle A. McGuigan, CSR, RMR, CRR
Official Court Reporter

14 Date

15

16 I certify that the foregoing is a correct transcript of the

17 record of proceedings in the above-entitled matter.

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1 trial.

2 Let's try for the following Friday, April 26th, at
3 1:00 in the afternoon for oral argument. Okay?

4 All right. Thank you. Have a good day.

5 ALL PRESENT: Thank you, your Honor.

6 (Proceedings concluded at 1:26 p.m.)

7 C E R T I F I C A T E

8 I certify that the foregoing is a correct transcript of the
9 record of proceedings in the above-entitled matter.

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